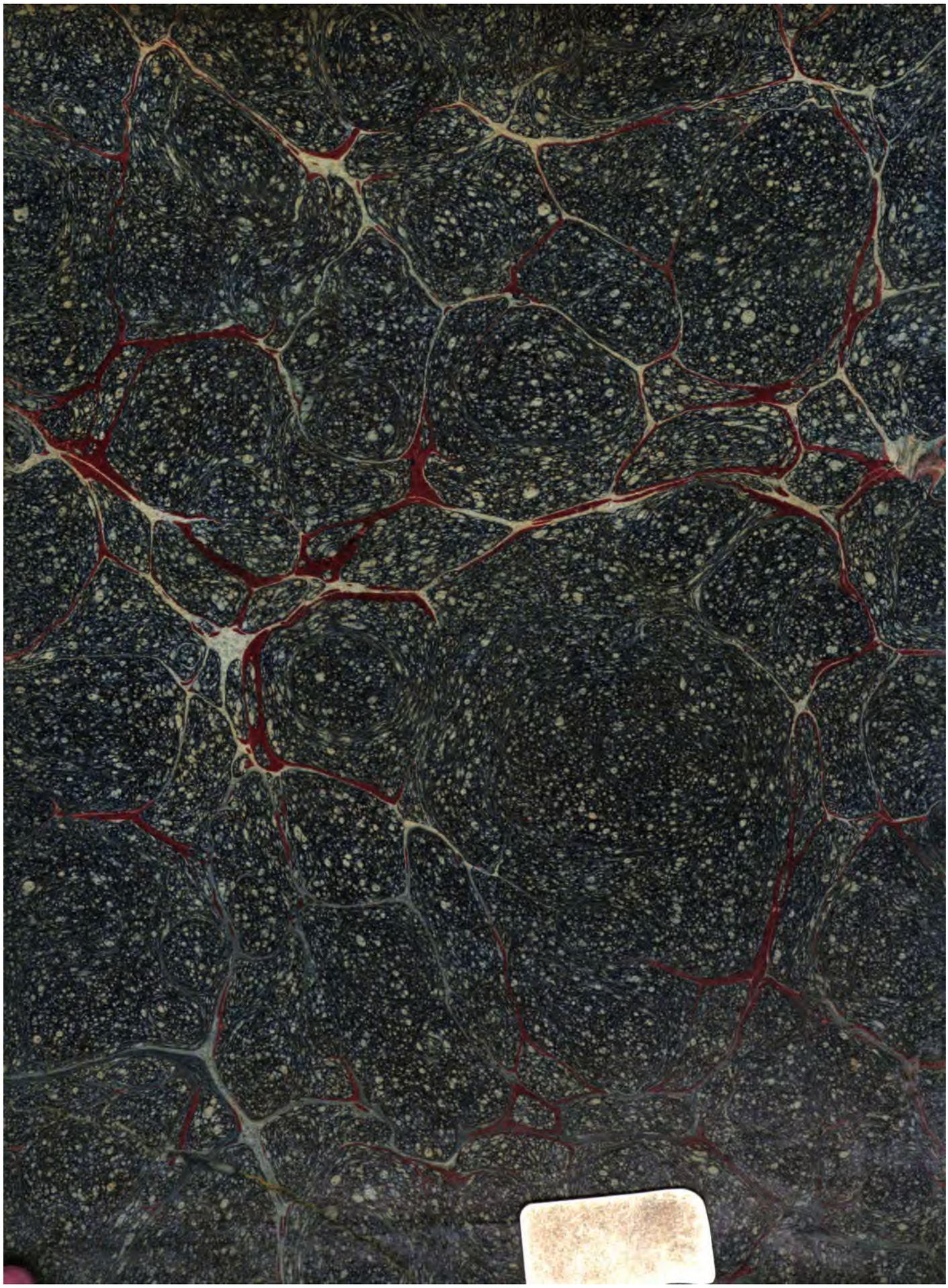

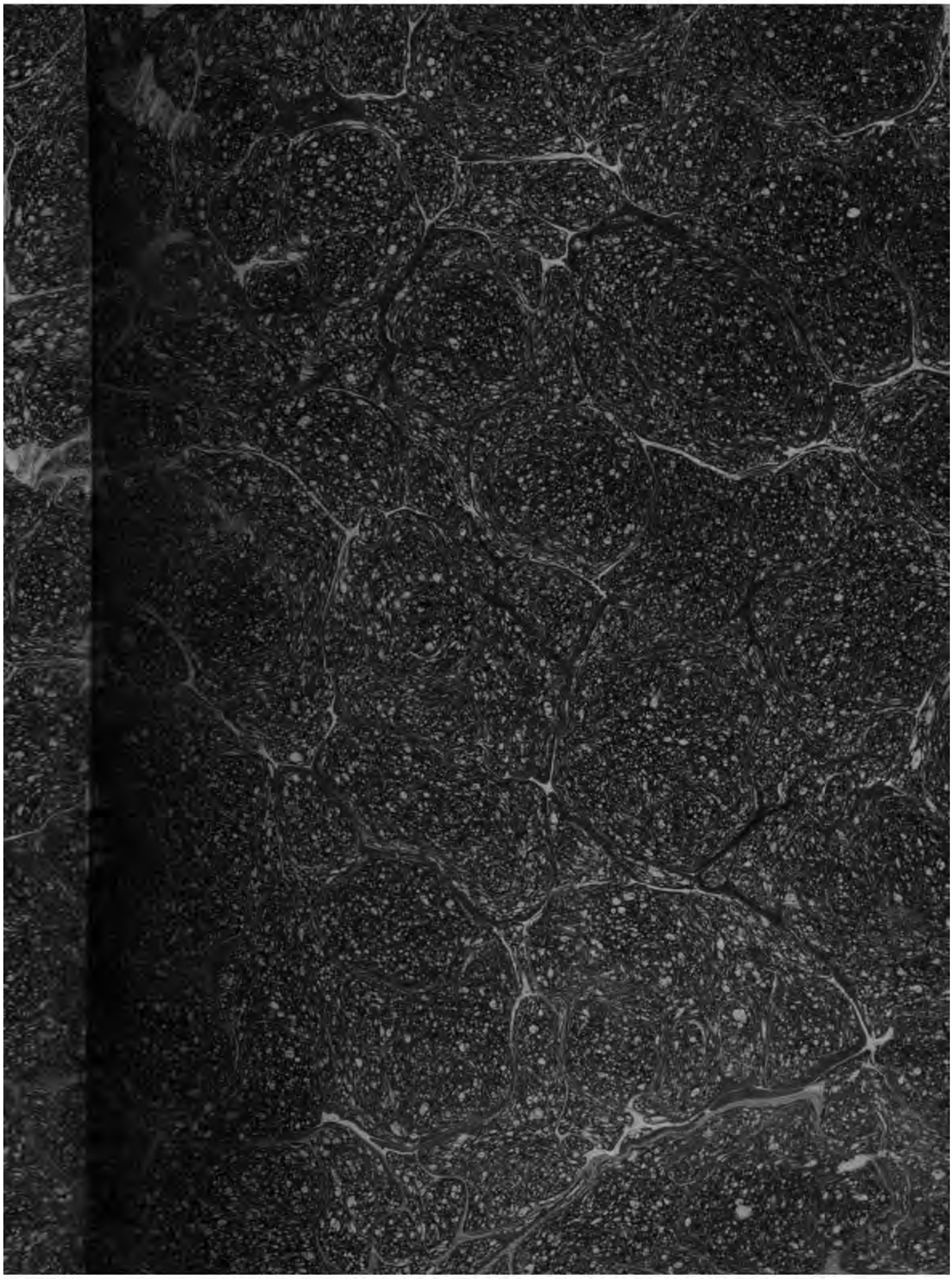

THE BORDER ANTIQUITIES OF England & Scotland

Comprising Specimens of the

ARCHITECTURE, SCULPTURE,

AND OTHER VESTIGES OF FORMER AGES,

Accompanied with

Descriptive Sketches Biographical Remarks,

AND

A BRIEF HISTORY OF THE PRINCIPAL EVENTS THAT HAVE OCCURRED IN THIS INTERESTING PART OF

GREAT BRITAIN.

VOL. II.

LINDISFARN.

THE

BORDER ANTIQUITIES

OF

ENGLAND AND SCOTLAND;

COMPRISING

SPECIMENS OF ARCHITECTURE AND SCULPTURE,

AND OTHER VESTIGES OF FORMER AGES,

ACCOMPANIED BY DESCRIPTIONS.

TOGETHER WITH

ILLUSTRATIONS OF REMARKABLE INCIDENTS IN BORDER HISTORY AND TRADITION, AND ORIGINAL POETRY.

BY WALTER SCOTT, ESQ.

VOL. II.

LONDON:
PRINTED FOR LONGMAN, HURST, REES, ORME, AND BROWN, PATERNOSTER-ROW;
J. MURRAY, ALBEMARLE-STREET; JOHN GREIG, UPPER-STREET, ISLINGTON:
AND CONSTABLE AND CO. EDINBURGH.

1817.

BORDER ANTIQUITIES.

Horrida præcipue cui gens, assuetaque multo
Venatu nemorum, duris Æquicola glebis:
Armati terram exercent, semperque recentes
Convectare juvat prædas, et vivere rapto.

ÆNEID. Lib. vii. l. 746.

INTRODUCTION.

The frontier regions of most great kingdoms, while they retain that character, are unavoidably deficient in subjects for the antiquary. The ravages to which they are exposed, and the life to which the inhabitants are condemned by circumstances, are equally unfavourable to the preservation of the monuments of antiquity. Even in military antiquities such countries, though the constant scene of war, do not usually abound. The reason is obvious. The same circumstances of alarm and risque require occupation of the same points of defence; and, as the modes of attack and of fortification change, the ancient bulwarks of cities and castles are destroyed, in order to substitute newer and more approved modes of defence. The case becomes different, however, when, losing by conquest or by union their character as a frontier, scenes once the theatre of constant battle, inroad, defence, and retaliation, have been for two hundred years converted into the abode of peace and tranquillity. Numerous castles left to moulder in massive ruins; fields where the memory of ancient battles still lives among the descendants of those by whom

they were fought or witnessed; the very line of demarcation, which, separating the two countries, though no longer hostile, induces the inhabitants of each to cherish their separate traditions,—unite to render these regions interesting to the topographical historian or antiquary. This is peculiarly the case on the border of Scotland and England. The recollection of their former hostility has much of interest and nothing of enmity. The evidences of its existence bear, at the same time, witness to the remoteness of its date; and he who traverses these peaceful glens and hills to find traces of strife, must necessarily refer his researches to a period of considerable antiquity. But it was not always thus; for, since the earliest period of which we have any distinct information until the union of the crowns, the northern provinces of England, and the southern counties of Scotland, have been the scenes of inveterate hostilities, commenced and maintained with fury, even before the names of Scotland and England were acknowledged by history.

Our earliest authentic acquaintance with these transactions is during the Roman period of English history, and commences with the invasion of Agricola, whose efforts carried his invading arms almost
A. D. 81. to the extremity of Caledonia. At this period the Border counties of England and Scotland were inhabited by three nations. Those Britons lying to the east, and possessing one-half of Northumberland, and extending from the northern bank of the South Tyne to the Frith of Forth, were called the Ottadini. Westward of this powerful nation lay the Gadeni, who held the west part of Northumberland, great part of Roxburghshire, Selkirk and Peebles shires, and extended also to the banks of the Forth, embracing West-Lothian. This country being mountainous, and remaining forest-ground

to a late period, the Gadeni were probably a less populous nation than the inhabitants of the more fertile country to the east. Westward of the Gadeni, and extending to the sea-coast of the Atlantic, lay the Selgovæ, having the Solway Frith for their southern limit. These nations Agricola found each occupying a strong country, and animated with the courage necessary to defend it. But their arms and discipline were unable to resist those of the Romans. A brief statement of their means of defence at this remote period naturally commences the Introduction to the Border Antiquities.

The towns of the ancient Britons were fortified in the ordinary manner of barbarians, with ditches, single or double, occupying the angles of the eminences, which were naturally selected for their site, and being, of course, irregular in their form. The earth was thrown up so as to form a steep *glacis* to the outside, and was sometimes faced with stones, in order to add to its height, and increase the acclivity; this formed the rampart of the place, and the gates, generally two or three in number, were placed where access was most convenient. One of the most perfect of these forts is situated in the neighbourhood of the celebrated Catrail, a work of antiquity to be afterwards briefly noticed, just where that limitary fence crosses the farm of Rink, belonging to Mr Pringle of Fairnilee. The fort occupies the crest of an eminence near the junction of the rivers Tweed and Ettricke, which has an extensive prospect in every direction; and, though in the neighbourhood of higher hills, is too distant to be itself commanded by them in a military sense. There are two ramparts, the first of earth and loose stones, but the interior consisting of immense blocks of stone, disposed so as to form a rude wall, and faced with earth and turf within. The permanence of these massive

materials seems to have insured that of the building, for they defy all ordinary efforts of the agriculturist, too apt to consider such works as cumberers of the ground. The fortress has two gates, one to the east and the other to the west, with something like traverses for protecting and defending the approach. This remarkable fortress is surrounded by others of less consequence, serving as out-posts, and has plainly been a hill-fort of great importance belonging to the Gadeni. It is, probably, more ancient than the Catrail itself.

There are not to be found, on the Border, any of those vitrified appearances which are to be found in Craig Phactraig, and other Highland fortifications, and which seem to intimate that fire was used in building or in destroying them. We may therefore conclude, that the stones employed in constructing them were less fusible than those found in the shires of Forfar, Kincardine, and Aberdeen.

If we can trust a popular tradition, the singular ancient structures called Peghts, or Picts Houses, common in the Highlands, Western Isles, and Orcades, were also to be found in the Border. The inhabitants point out small rings, or elevated circles, where these *Duns*, as they are called, are said to have stood. In Liddesdale, particularly, more than one of these are shown. But whether, like those of Dun-Dornadilla in Sutherland, and Mousa in Shetland, they were built of stones arranged in the form of a glass-house, and containing a series of concentric galleries within the thickness of the wall, must be left to conjecture. Mr Chalmers seems to have considered them as common hill-forts.

These fortresses, so constructed, the natives defended with javelins and bows and arrows, the usual weapons of savages. The arrow-

heads, made of flint, are frequently found, and are called, by the vulgar, elf-arrow-heads, from being, as they supposed, formed by the fairies or elves. At a later period, the Britons used copper and brass heads for arrows, javelins, and spears, which are found of various sizes and shapes near their habitations. In like manner, from the specimens found on the Borders, there appears to have been a gradual improvement in the construction of battle-axes and weapons of close fight. The original Celts, or axes, are of polished stone, shaped something like a wedge. These are found of all sizes, some seeming intended for felling trees, and others for warlike purposes; and others again so very small, that they could only be designed for carving or dividing food.* When, however, this degree of refinement was attained, it was obvious that some improvement in the material of which the implements were formed, could not be far distant.

Accordingly, brass Celts, or battle-axes, seem to have been the next step in advance; and these are of various forms, more or less rude, as the knowledge of the art of working in metals began to advance. The first and most rude form of the brass Celt, usually found in the urns under sepulchral cairns, is a sort of brazen wedge, having an edge, however, rounded like that of an axe, about three inches

* These are certainly Celtic weapons; yet they cannot be considered as peculiar to that people. They have been found in considerable numbers in the Shetland Isles, which were evidently first settled by the Scandinavians. The natives suppose them to be thunderbolts, and account the possession of one of them a charm. Mr Collector Ross of Lerwick presented the author of this Introduction with six of these weapons found in Shetland. It is said the stone of which they are constructed cannot be found in these islands. The natives preserve them, from a superstitious idea that they are *thunderbolts*, and preserve houses against the effects of lightning.

broad in the face. The shape of these weapons points out the probable mode of attaching them to handles, by hollowing out the sides, and leaving deep ledges; so that, if we conceive the abrupt angle at the root of an oak branch to have been divided by fire, the axe might have been inserted between the remaining pieces; and the whole being lashed fast by a thong, for securing which provision is often, though not uniformly, made by a loop in the brazen head, a battle-axe of formidable weight and edge was immediately obtained. The next step of improvement was that of casting the axe hollow instead of solid, so that the crooked part of the handle being inserted into the concave part of the axe as into a sheath, a far more solid and effectual weapon was obtained, and at less expence of metal, than when the handle was weakened by burning, and divided into two portions, which overlapped, as it were, the solid axe. It seems probable that the provincial Britons learned this improvement from their masters, for the hollow axes resemble those of the Romans in shape and size, and are sometimes decorated round the rim where they join the handle, with a rude attempt at moulding. But the hollow axe was, like the more rude solid implement, secured to the handle by thongs, as the loop or fixed ring left for the purpose usually testifies.

The next step taken by the Britons in improving their warlike weapons, seems to have been the fastening the metal with which they were shod to the wooden handles, by means of broad-headed copper or brass nails, secured by similar heads on the opposite side, and thus effectually rivetted to the wood. This seems to have been the mode of shafting a weapon, like a very broad-headed javelin or spear, found near Friarshaugh, opposite to Melrose, the seat of

John Tod, Esq.* This curious weapon is about a palm's-breadth at the bottom, tapering to the length of about nine inches, or perhaps more, (for it is considerably decayed towards the point) dimensions greatly exceeding those of the Roman *pilum*, or javelin. It resembles pretty much those weapons which the Californian Indians manufacture out of copper, and secure, by broad-headed copper nails, to handles made of bone. These are now used by the Californians as they were probably employed by the Gadeni, or northern Britons in general, to compleat and secure the union of the wooden shaft and metal head.

Short brazen swords of a peculiar shape are also occasionally, though rarely, found in these districts; they are uniformly formed narrow towards the handle, broad about the middle of the blade, and again tapering to a point at the extremity. Such weapons, by the common consent of antiquaries, have hitherto been termed Roman swords. They are, however, unlike in shape to those usually represented on Roman monuments, which are almost uniformly of an equal breadth from the handle, until they taper, or rather slope off suddenly, to form a sharp and double-edged point. The metal employed may also lead us to doubt the general opinion which gives these weapons to the Romans. That the arts of Rome under the emperors, and for a length of time before, had attained to working steel, a metal so much superior to brass for the formation of military weapons, and its general use in manufacturing arms, is suffici-

* Presented to the author by Mr Tod. Notwithstanding what is said in the text, it may, perhaps, be thought a specimen of the Roman Pilum, though differing in the size and mode of shafting.

ently testified by their employing the word *ferrum*, to signify battle in general. It may, no doubt, be urged, that in size and shortness the brass swords in question differ from the long blades generally used by barbarians. But, without stopping to consider the variety of weapons which might exist in different tribes; without dwelling on the awkward and useless increasing breadth and thickness of the blades in the middle, which look very like the first gradation from a club to a sword; without even founding upon the probability that, after the Roman discipline had become known to the barbarians by fatal experience, they had tried (and certainly they had time enough to have done so) to make a rude imitation of the Roman sword in the metal which was most easily manufactured,—without resting upon any of these things, we may require the evidence that the Romans ever, within the period of their recorded history, used brazen swords. That the Greeks did so in the remote days of Homer cannot be doubted, and certainly from the same reason that we ascribe these weapons to the Britons, namely, that to fuse brass is a more easy and obvious manufacture than to work steel. But that the Romans ever employed swords of this inferior metal during the period of their history which is recorded, we have no warrant to believe. Virgil, an antiquary and a scholar, as well as a poet, in describing the various tribes of Italy, who assembled under Turnus, does indeed mention one nation whose warriors wore swords of brass—

> Et quos maliferæ despectant mænia Abellae
> Teutonico ritu soliti torquere cateias;
> Tegmina quîs capitum raptus de subere cortex;
> Eratæque micant peltæ, micat æreus ensis.
>
> ÆNEID. Lib. VII.

On this passage there are three things to be observed. First, that this mountain and rude tribe is described as retaining the ancient customs of the Teutones. Secondly, that the rest of their armour and weapons, as the helmets made of cork, and the Gallic sling, or harpoon called *catela*, are given along with the brazen narrow buckler, or *pelta*, and the brazen sword in question, as marks of a rude tribe, unprovided with such weapons as the other Italians used at the supposed arrival of Æneas. Besides, swords of this description have been found in the western islands, or Hebrides, to which the Romans never penetrated; and they have also been found in Ireland. Nay, we are assured, that, in one instance, not only the sword-blades, but the mould for casting weapons of that description, have been found in the kingdom last mentioned,—facts which certainly go far to establish that these brazen swords, which in breadth and thickness have a spherical form, are of British, not of Roman manufacture.

The battle array of the British in these northern districts, mountainous and woody, and full of morasses, must have been chiefly on foot. But we are assured by Tacitus that they, as well as the Southern Britons, used the chariot of war. All the Celtic chiefs seem to have gloried in being car-borne, and are so described by the Welsh, the Irish, and the Gaelic bards. It is probable that men of distinction alone used this distinguished, but inconvenient, mode of fighting; and that as the cavalry of the Romans formed a separate rank in the state, so the *covinarii* in the northern parts of Britain consisted of the chiefs and their distinguished followers only. Indeed the difficulty which such squadrons must have found in acting, unless upon Salisbury plain, or ground equally level, must have

rendered the use of them in the north rather a point of imposing splendour than of real advantage. The charioteers of the Caledonians do indeed seem to have made a considerable part of their force in the memorable battle which Agricola fought against Galgacus near the foot of the Grampian Hills. But we are to consider, that at this important period, common danger had driven the chiefs to form a general league, so that every sort of force which they could draw together appeared in its utmost proportion; and those war-chariots, assembled from all quarters, augmented by those also of the Southern Britons who had retired before the conqueror to these last recesses of freedom, bore, probably, an unusual proportion to the extent of their forces. That they fought valiantly, the Romans themselves admit; and they certainly possessed the mode of managing that very awkward engine called a chariot-of-war, where even the lower grounds are unequal and broken by ravines and morasses, with as much, or more effect than the Persians, of a more ancient date, upon their extensive and level plains. There is, as far as we know, but one representation of a chariot of this period existing in Scotland. It occurs in the church-yard of Meigle, in a neighbourhood famous for possessing the earliest sculptural monuments respecting the events of antiquity. The chariot is drawn by a single horse, and carries two persons besides the driver.* Chariots used in war are the invention of a rude age, before men adventured to break horses for riding. In a rough country, like Scotland, they could be but rarely employed with advantage, and must soon have fallen into disuse.

Of the worship of the Northern Britons we have no distinct traces;

* See an engraving in Pennant's Tour, vol. III.

but we cannot doubt that it was Druidical. The circles of detached stones, supposed to be proper to that mode of worship, abound in various places on the Border; and, although there may be good reason to doubt whether the presence of those monuments is in all other cases to be positively referred to the worship of the Druids,* yet there is no reason to think that the religion of the Ottadini, Gadeni, or Selgovæ, differed from that of the southern British tribes. We know, at least, one instance of the Druid's Adder-stone, a glass bead so termed, being found on the Borders. This curious relique is now in possession of a lady in Edinburgh. They appear, however, to have worshipped some local deities, whom the urbanity of Roman paganism acknowledged and adopted with the usual deference to the religion of the conquered. In the station of Habitancum, now called Risingham, near the village of Woodbourn in Redesdale, was found a Roman altar dedicated to Mogon, a god of the Gadeni; and there is one in the Advocates' Library of Edinburgh inscribed to the *Divi Campestres*, or Fairies. It was found in the romantic vicinity of Roxburgh Castle.

---

* The most stately monument of this sort in Scotland, and probably inferior to none in England, excepting Stone-henge, is formed by what are called the Standing Stones of Stenhouse, in the island of Pomona in the Orknies, where it can scarcely be supposed that Druids ever penetrated; at least, it is certain, that the common people now consider it as a Scandinavian monument; and, according to an ancient custom, a couple who are desirous to attach themselves by more than an ordinary vow of fidelity, join hands through the round hole which is in one of the stones. This they call the promise of Odin. The Ting-walls, or places where the Scandinavians held their comitia, were surrounded by circles of stones as well as the places of Druid worship; and instances of this occur even in Norway. But, indeed, the general idea of setting up a circle of stones to mark the space allotted for the priests, or nobles, while the vulgar remained without its precincts, seems likely to be common to many early nations.

The funeral monuments of the Celtic tribes on the Border are numerous, and consist of the cairns, or heaps of stones, so frequently piled on remarkable spots. On opening them, there is usually found in the centre a small square inclosure of stones set on edge, with bones, and arms such as we have already described. There is frequently found within this stone-chest, or *cist-vaen*, as it is called by the Welch, an urn filled with ashes and small beads made of coal. The manufacture of these urns themselves is singular. The skill of the artist appears not to have been such as to enable him to form his urn completely before subjecting it to the operation of the fire. He therefore appears to have first shaped the rude vessel of the dimensions which he desired, and then baked it into potter's-ware. On the vessel thus formed and hardened, he afterwards seems to have spread a very thin coat of unbaked clay on which he executed his intended ornaments, and which was left to harden at leisure. The scrolls and mouldings thus hatched on the outside of these urns are not always void of taste. In these tombs and elsewhere have been repeatedly found the *Eudorchawg*, the *Torques*, or chain, formed of twisted gold, worn by the Celtic chiefs of rank. In the fatal battle of Cattraeth, in which the Celtic tribes of the middle marches sustained a decisive defeat from the Saxons who occupied Northumberland, Berwickshire, and Lothian, somewhere, probably, about the junction of Tweed and Ettrick, and in the neighbourhood of the Catrail, there fell three hundred chieftains, all of whom, as appears from the elegy of Aneurin, a sad survivor of the slaughter, wore the Torques of gold. It is not a chain forged into rings, but is formed of thin rods of flexible gold twisted into loops which pass through each other, and form oblong links. This ornament appears

to have been common to the chiefs of all Celtic tribes; and undoubtedly Manlius had his surname of Torquatus from killing a Gallic chief so decorated. The broach for securing the mantle has been repeatedly found in the Borders. It is also an ancient Celtic ornament.

The Druids are understood to have had no use of coins; yet it is singular, that, on a place near to Cairnmore in Tweeddale, there were found, along with a fine specimen of the *Eudorchawg*, a number of round drops of gold of different sizes, greatly resembling the coins of the native Hindhus, and of which it is difficult to make any thing unless we suppose them intended to circulate as specie. May it not be conjectured, that the provincial Britons fell on this expedient of maintaining a circulating medium of commerce, from the example of the Romans?

In the Lochermoss, near Dumfries, have been found canoes made out of a single trunk like those of Indians, which served the aboriginal inhabitants for the purposes of fishing. But in the time of the Romans, the Britons had acquired the art of making light barks, called *Curraghs*, covered with hides like the boats of the Esquimaux. This brief account of the hill-forts, sepulchres, arms, religion, and means of embarkment, possessed by the three Celtic tribes whom the Romans found in possession of the Borders, completes a brief and general view of the British antiquities of the district.

The Roman Antiquities found in these districts are of such number and importance as might be expected from the history of their northern warfare, and the policy which they adopted to preserve their conquests. Even the ambition of a Roman conqueror, to extend as far as possible the limits of the empire, could not blind the successors of Agricola to the inconveniences which would be in-

curred in attempting a total conquest of Britain. That the invaders would defeat the natives as often as they might be imprudent enough to hazard a general action, was highly probable; but to win an engagement, or overrun a succession of mountains, lakes, towns, and morasses, was more easy than to establish and maintain amongst them the necessary garrisons and military points of communication, without which, the soldiers whom the victor might leave to maintain his conquests, must unquestionably have fallen victims to famine and the attacks of the barbarians. The Romans, therefore, renouncing the enticing but fallacious idea of maintaining a military occupation of the Caledonian mountains, set themselves seriously to protect such part of the island as was worth keeping and capable of being rendered secure. It may be much doubted, whether they paid even to the southern parts of Scotland the compliment of supposing them a desirable conquest. But to intersect them by roads, and occupy them with camps and garrisons, was necessary for the protection of the more valuable country of England.*

Accordingly, the earliest measure taken for the protection of the
A. D. 120. Roman province in Britain, was the original wall of Hadrian, extending from the Frith of Solway to the mouth of the Tyne. Within this line the country was accounted civilized, and what was retained beyond it, was strongly occupied and secured by fortresses. At a later period, Lollius Urbicus, during the reign of Antoninus, formed a similar wall greatly in advance of the first, between the

* The learned author of Caledonia concludes, that these roads were extended even to the north of Aberdeenshire. It is impossible to mention this work without acknowledging with gratitude the brilliant light it has cast on many parts of Scottish history hitherto so imperfectly understood.

Friths, namely, of Forth and Clyde. It was a rampart of earth, with a deep ditch, military road, and forts, or stations, from point to point, but appears to have proved insufficient to curb the incursions of the tribes without the province, or to prevent the insurrection of those within its precincts. The Emperor Severus found the country betwixt the walls of Hadrian and that erected by Lollius Urbicus, during the reign of Antoninus, in such a state of disorder, that, after an expedition in order to intimidate rather than to subdue the more northern tribes, he appears to have fixed upon the more southern barrier as that which was capable of being effectually maintained and defended; and, although it is not to be presumed that he formally renounced the sovereignty of the space between the Friths of Solway and of the Forth and the Clyde, yet it is probable he only retained military possession of the most tenable stations, resting the ultimate defence of the province upon the wall of Hadrian, which he rebuilt with stone, and fortified with great care. Betwixt the years 211, being the æra of the death of Severus, and 409, the date of the final abandonment of Britain by the Romans, the space between the two walls, entitled by the Romans the province of Valentia, was the scene of constant conflict, insurrection, and incursion; and towards the latter part of this tumultuous period the exterior line of Antoninus was totally abandoned, and the southern wall itself was found as insufficient as that of Antoninus to curb the increasing audacity of the free tribes. A. D. 139.

From this brief deduction it may be readily conjectured, that the Roman Antiquities found in the districts to which this introduction relates, must be chiefly of a military nature. We find, accordingly, neither theatres, baths, nor temples, such as have been discovered

in Southern Britain, but military roads, forts, castles, and camps, in great abundance.

The principal Roman curiosity which the Border presents, is certainly the wall of Severus, with the various strong stations connected with it. The execution of all these military works bears the stamp of the Roman tool, which aimed at labouring for ages. The most remarkable is the wall itself, a work constructed with the greatest solidity and strength. The ravages continually made upon it for fourteen centuries, when any one in the neighbourhood found use for the well-cut stones of which it is built, have not been able to obliterate the traces of this bulwark of the empire. The wall was twelve feet high, guarded by flanking towers and exploratory turrets, and eight feet broad, running over precipices and through morasses. The facing on both sides was of square freestone, the interior of rubble run in with quicklime between the two faces, and uniting the whole in a solid mass. The earthen rampart of Hadrian lies to the north of it, and might, in many places, be used as a first line of defence. It is not clear in what manner the Roman troops sallied from this line of defence when circumstances rendered it necessary. No gates appear except at the several stations. A paved military way may be traced parallel to the walls, in most places, for the purpose of sending reinforcements from one point to another. No less than eighteen *stations*, or fortresses, of importance, have been traced on the line of the wall. The most entire part of this celebrated monument, which is now, owing to the progress of improvement and enclosure, subjected to constant dilapidation, is to be found at a place called Glenwhelt, in the neighbourhood of Gilsland Spaw.*

* Its height may be guessed from the following characteristic anecdote of the late Mr

The number of forts and stations extending along the wall from west to east, some in front to receive the first attack of the enemy, some behind the wall to serve as rallying places, or to accommodate the troops destined to maintain the defence, render this magnificent undertaking upon the whole one of the most remarkable monuments of history. It differs from the Great Wall of China, to which it has been compared, as much as a work fortified with military skill, and having various gradations and points of defence supporting each other, is distinct from the simple idea of a plain curtain or wall. It was not until the hearts of the defenders had entirely failed them that the barbarous tribes of the north burst over this rampire.

With the same regard to posterity which dignified all their undertakings, the Romans were careful to transmit to us, by inscriptions still extant, the time at which these works were carried on, and the various cohorts and legions by whom different parts were executed. These, with altars and pieces of sculpture, have been every where dug up in the vicinity of the wall, and form a most valuable department of Border Antiquities, though not entering into the scope of the following work.

Joseph Ritson, whose zeal for accuracy was so marked a feature in his investigations. That eminent antiquary, upon an excursion to Scotland, favoured the author with a visit. The wall was mentioned; and Mr Ritson, who had been misinformed by some ignorant person at Hexham, was disposed strongly to dispute that any reliques of it yet remained. The author mentioned the place in the text, and said there was as much of it standing as would break the neck of Mr Ritson's informer were he to fall from it. Of this careless and metaphorical expression Mr Ritson failed not to make a memorandum, and afterwards wrote to the author, that he had visited the place with the express purpose of jumping down from the wall in order to confute what he supposed a hyperbole. But he added, that, though not yet satisfied that it was quite high enough to break a man's neck, it was of elevation sufficient to render the experiment very dangerous.

In advancing beyond the wall, the antiquary is struck by the extreme pains bestowed by the Romans to ensure military possession of the province of Valentia. No generals before or since their time appear to have better understood the necessity of maintaining communications. A camp, or station, of importance, is usually surrounded by smaller forts at the distance of two or three miles, and, in many cases, the communication is kept up, not only by the Iters, or military roads, which traverse the country in the direction of these fortresses, but by strong lines of communication with deep ditches and rampires. Of this there are some curious and complicated remains near Melrose, where a large triangular space lying betwixt the remarkable station on Eildon Hills and those of Castlesteads and of Caldshiels, is enclosed by ditches and ramparts of great depth. There appears to have been more than one British fortress within the same space, particularly one called the Roundabout, upon a glen termed Haxlecleuch, and another very near it upon the march between the properties of Kippilaw and Abbotsford. Besides these lines of communication, there is a military road which may be distinctly traced to the Tweed, which it appears to have crossed above Newharthaugh.* It is impossible, while tracing these gigantic labours, to refrain from admiring, on the one hand, the pains and skill which is bestowed in constructing them, and, on the other, the extra-

* Mr Chalmers, whose opinion is always to be mentioned with the utmost respect, seems inclined to think, that these entrenchments are the works of the provincial Britons, executed to protect them from the Saxons of Bernicia. Some bronze vessels and Roman antiquities, found by the author in improving that part of his property through which these lines run, warrant a different conclusion.

vagant ambition which stimulated the conquerors of the world to bestow so much pains for the preservation of so rude a country.

The frequent accompaniment of these camps is a Roman *tumulus*, or artificial mount, for depositing the remains of their dead, of which there is a very fine specimen on the south side of the Tweed, opposite to Sir Henry Hay Macdougal's beautiful mansion of Makerston. This *tumulus* appears to have belonged to the neighbouring camp on Fairnington Moor. In these specimens of Roman pottery have been found, probably lachrymatories and the vessels sacred to the *manes*, or souls, of the deceased. These mounts might also be used for exploratory purposes.

Around the stations have, in most instances, been found Roman coins, of all reliques the most decisive, brazen axes, usually termed Roman, though perhaps not correctly to be regarded as such, and querns, or hand-mills, for grinding corn, made of two corresponding stones. Camp-kettles of bronze of various sizes are also found on the line of these roads, particularly where marshes have been drained for marl. It may, in general, be remarked, that, in Scotland, the decay of a natural forest is the generation of a bog, which accounts for so many antiquities being found by draining. Sacrificial vessels are also frequently discovered, particularly those with three feet, a handle, and a spout, which greatly resemble an old-fashioned coffee-pot without its lid. Out of the entrenchment above-mentioned, connecting the fort at Castlesteads with that on Eildon Hills, was dug a pair of forceps of iron, much resembling smith's tongs. Inscriptions have rarely been found to the north of the wall.

Such are the evidences which still remind the antiquary, that these twelve districts once formed the fence and extreme boundary of the Roman power in Britain.

No reader requires to be reminded of the scenes of desolation which followed the abdication of the Romans. All exterior defences which the wall and the forts connected with it had hitherto afforded, were broken down and destroyed, while the Picts and Scots carried on the most wasteful incursions into the flourishing provinces of the south. But the learned and indefatigable Chalmers has plainly shewed, that the tribes inheriting the late Roman province of Valentia were not subjugated by either of these more northern nations, but maintained a separate and precarious independence. These tribes, the reader will remember, were the Ottadini, Gadeni, and Selgovæ, to which were united, the Novantes of Galloway, and the Damnij of Clydesdale, who, like their Border neighbours, were inclosed between the two walls. It is probable that, according to the ancient British custom, they were governed by their separate chiefs, forming a sort of federal republic, whose array, in case of war, was subjected to the command of a dictator, termed the Pendragon. They did not long enjoy the full extent of their territory; for, as in other parts of England, so on her northern frontiers, the invasion of the Saxons drove from their native seats the original inhabitants. It was not, however, until the year 547, that Ida, at the head of a numerous army of Anglo-Saxons, invaded and possessed himself of the greater part of Northumberland. These conquerors spread themselves on all sides, and became divided into two provinces, Deira and Bernicia. The Deirians occupied the northern division of Northumberland, with the bishopric of Durham, and made constant war with the British inhabitants of Westmoreland and Cumberland. The Saxons of Bernicia pushed their conquests northwards, possessed themselves of the ancient seats of the Ottadini and Gadeni, or the modern Berwickshire and

lower part of Roxburghshire, seized on Lothian, were probably the first founders of Edinburgh, and warred fiercely with the natives now cooped up in the hilly country to the westward, as also with the Picts, who lay to the northward of these invaders. It seems highly probable that to this people we owe the Scoto-Saxon language of the Lowlands.* Their country is sometimes called Saxonia by ancient writers, being the Saxon part of Scotland. The line of demarcation, which then was the subject of dispute between the Saxons and Britons, extended north and south instead of east and west, like that which afterwards divided Scotland from England. All good antiquaries allow, that the remarkable trench called the Catrail, which extends nearly fifty miles in the former direction, and may be traced from near the junction of the Gala and the Tweed to the mountains of Cumberland, was intended to protect the native inhabitants of Strath Clwyde, for thus the remaining possessions of the Romanized Britons were entitled, from the too powerful Saxon invaders. It was natural that these provincial Britons should endeavour to make use of the same means of defence of which they had an example in the Prætentura of Antoninus, and the more elaborate wall of Severus. The imperfect execution of the Catrail plainly shows their inferiority of skill, while its length, and the degree of labour bestowed in the excavation, indicate their sense of its importance. This rampart is the most curious remnant of antiquity which can be dis-

* The author has no hesitation to own that a film has fallen from his eyes on reading the Caledonia with attention. The Picts, as conjectured by Tacitus, might have been intermingled with settlers from Germany. But it seems probable that such emigrants merged in the main body of the Celtic tribes just as the Scandinavians did, who, at a later period, settled in the Hebrides and in Sutherland.

tinctly traced to this distracted period. It is a ditch and rampart of irregular dimensions, but in breadth generally from twenty to twenty-four feet, supported by many hill-forts and corresponding entrenchments, indicating the whole to have been the work of a people possessing some remnants of that military skill of which the Romans had set the example. From what Mr Chalmers mentions of the course of Herrit's Dike, in Berwickshire, we may conjecture it to have been either a continuation of the Catrail, or a more early work of the same kind. Supposing the latter to be the case, it would seem that, when expelled from Lauderdale, the Britons fell back to the Catrail, as the Romans had done from the wall of Antoninus to that of Severus. The Catrail is very happily situated for the protection of the mountainous country, as it just commences where the valley of the Tweed becomes narrow and difficult of access, and skirts the mountains, as it runs southward. Contrary to other defences of the same sort, it was erected to save the mountaineers from the continued inroads of the inhabitants of the plains, whereas fortifications have generally been erected in the plains for precisely the opposite purpose.

It is remarkable, that the obscure contests of the Britons and Saxons yet survive in traditional song. For this we have to thank the institution of the Bards, the second rank to the Druids, and partaking of their sacred character. This order survived the fall of Druidism, and continued to perpetuate, while they exaggerated, the praise of the British chieftains who continued to fight in defence of the Cumbrian kingdom of Reged, and the more northern district of Strathclwyde. The chief of these bards, of whom we still possess the lays in the ancient British language, are Taliessin, Merlin of Ca-

Iedonia, Aneurin, and Llywarch Hen. The two last appear to have been princes, and, contrary to the original rules of their order, they, as well as Merlin, were warriors.

Urien of Reged, and his son Owen, both afford high matter for the songs of the bards; and it is to the Welch poetry also that Arthur owes a commemoration, which, with the help of Geoffrey of Monmouth, was so extravagantly exaggerated by after minstrels. These native princes, however, do certainly appear to have maintained a long struggle with the Saxons, which was frequently successful, and might have been eventually so, had not the remains of the provincial Britons been divided into two petty kingdoms of Cumbria and Strath-Clwyde, and those tribes of warriors distracted by frequent disunion among themselves. As it was, they finally lost their independence. The last king of the Cumbrian Britons, called Dunmail, was slain in battle near Ambleside, on the lake of Winandermere, where a huge cairn, raised to his memory, is still called Dunmail-Raise, and his kingdom was ceded to Scotland by the conqueror Edward in 945. Strath-Clwyde, sometimes resisting, sometimes submitting, maintained a precarious independence until about 975, when Dunwallon, the last independent king of the Northern Britons, was defeated by Kenneth III. King of the Scots, and is said to have retired to the cloister.

But although the kingdoms of Reged and Strath-Clwyde were thus melted down into the general mass of Scottish subjects, yet the British inhabitants of Valentia continued long distinguishable by their peculiar manners, customs, and laws. When Edward I. was desirous to secure his usurpation of the Scottish crown by introducing the feudal system in its full extent, and thus assimilating the laws of Eng-

land and Scotland, he declares, that the "customs of the Scots and the Brets shall for the future be prohibited, and no longer practised;" and that the king's lieutenant should submit to an assembly of the Scottish nation "the statutes made by David King of Scots, and the amendments made by other kings." It was probably at this time that the law-treatise, entitled, *Regiam Majestatem*, was compiled, with the artful design of palming upon the Scottish parliament, under the pretence of reviving their ancient jurisprudence, a system as nearly as possible resembling that of England. Now it is proved that, until a late period, that part of modern Scotland which lay to the south of the river Forth, and bordered on the east with the Saxon province of Lothian, or Loden, was still called Britain. Accordingly, Fordun terms Stirling a castle situated in *Scotland* on the confines of Britain, and says that the seal of the town of Stirling bore this legend,

> Continet hoc in se pontem castrum Strivilense
> Hic armis Bruti hic stant Scoti cruce tuti.

As the names of Britain and Scotland were thus preserved, the customs alluded to by Edward as proper to be abolished were those which the Scots and Britons, both nations of Celtic original, had transmitted to their descendants, and which, from the spirit of independence which they breathed, were naturally hostile to the Conqueror. It is probable that the clan-customs and regulations were amongst those alluded to by Edward's prohibition; at least, we shall presently see that they were the subject of jealousy to future legislators.

While the Northern Britons were maintaining the dubious and sanguinary resistance against the Saxons which we have briefly noticed, the invaders themselves were disturbed in their operations of

conquest by the arrival of fresh hordes from Scandinavia, whose inroads were as distressing to the Saxon inhabitants of Northumberland and Lothian as those of their ancestors had been to the British Ottadini, whom they had expelled from those fertile provinces. The celebrated Regnar Lodbrog, renowned in the song of Scalds, led the first attack by the Danes on Northumberland. He fell; but his death was promptly and dreadfully avenged by the fresh invasion headed by his sons, Inguar and Hubba. They appear totally to have A. D. 876. subverted the Saxon kingdom of Northumberland founded by Ida, and to have conquered the country as far south as York, and penetrated westward as far as Stanemore, where their invasion added to the distressed condition of the Cumbrian Britons. Aided by frequent descents of their roving countrymen, they wasted and they warred in these northern regions; and though they nominally acknowledged the royalty of Edward the Elder, the Northumbrian Danes could hardly be termed subjects of a Saxon monarch, until they were defeated by Athelstane, in the bloody and decisive battle of Brunnanburgh. The wild convulsions of the period sometimes occasioned a temporary disunion even after this engagement; but such incidents may be regarded rather as insurrections than as a re-establishment of Northumbrian independence.

It is natural to enquire what traces still remain of the Danish invaders? The circular camps found in many places of Northumberland, and on the borders of Cumberland, are plausibly ascribed to them, and the names of their deities have been imposed upon several tracts in the same district. But we find none of those Runic monuments so common in their own country, either because they never possessed tranquillity sufficient to aim at establishing such re-

cords, or that they were destroyed in after ages out of hatred to the Danish name. The taste of the Scalds, however, is to be traced in the early English poetry which was first cultivated in the North of England. The northern minstrels could derive no lessons from the bards who spoke the Celtic language, their earliest attempts at poetry were, therefore, formed on alliteration; and as late as the time of Chaucer it was considered as the mark of a northern man to "affect the letter." * Further of the Danes antiquaries can trace but little. Their independent sovereignty in Northumberland was as brief as it was bloody; and their descendants, mixing with Saxons, and what few might remain of the Southern Ottadini, formed the mixed race from which, enriched by the blood of many a Norman baron, the present Northumbrians are descended.

In the tenth century, the frontiers of England and Scotland, which had now begun to assume these distinctive appellations, differed greatly from the relations they bore to each other in subsequent ages. The district of the Ottadini, conquered first by the Saxons, and afterwards by the Danes, extended from the Tyne, and sometimes even from the Humber, to the shores of the Frith of Forth. Berwickshire of course, and Lothian, made part of its northern division, called Bernicia. These counties were often the scene of inroad to the nation of Scots and Picts, now united under the same monarch, and might occasionally be occupied by them. But, regularly and strictly speak-

---

* Chaucer's Parsone apologises for not reciting a piece of poetry—

> But trusteth wel I am a sotherne man,
> I cannot geste, *rom, ram, ruf*, by my letter,
> And God wot, rime hold I but litel better.

ing, they, as well as the city of Edinburgh, (Edwins-Burgh,) may be considered as part of England. It acquired in time the name of Lothian, an epithet not only conferred on the counties now comprehended under that term, but also including Berwickshire, afterwards called the March.* The *Lodenenses*, distinguished in the battle of the Standard and elsewhere, were the people of this south-eastern district; and the district appears to have been included amongst those for which, as English possessions, the King of Scotland did homage to his brother of England.† Thus Scotland was, at this early period, deprived of those fertile south-eastern provinces. On the other hand, the south-western frontier of Scotland was enlarged beyond its present bounds by the possession of the ancient British kingdom of Reged, or Cumberland. This was ceded to Malcolm I. by Edmund, after the defeat of Dunmail, the last King of Cumbria. The cause of the cession is obvious. The people of Cumberland were of the same race and manners with those of the Britons of Strath-Clwyde who occupied the opposite frontier of Scotland; and Edmund, who retained but a doubtful sovereignty over Northumberland, would have been still more embarrassed by the necessity of

---

* Simeon of Durham, narrating the journey of the papal legate to Scotland, has these remarkable words,—"Pervenit apud fluvium Tuedam qui Northumbriam et Loidum determinat, in loco qui Rothesburche vocatur."

† Malcolm IV. acknowledged himself vassal to the crown of England for the county of Lothian, (among other possessions,) a circumstance which has greatly embarrassed Scottish antiquaries, who are very willing to discover the Comitatus Lodenensis in Leeds or in Cumberland. The truth is, however, that the true meaning rather fortifies the plea of independence. For Lothian, in this enlarged sense, was just the ancient Bernicia, peopled with Saxons or English, and Malcolm did homage for it, not as part of Scotland, but as part of England.

retaining, by garrisons or otherwise, so wild and mountainous a country as the British Reged. By yielding it to Malcolm, he secured a powerful ally capable of protecting the western frontier of Northumberland; and to whose domination the Cumbrians might be the more readily disposed to submit, as it united them with their brethren the Britons of Strath-Clwyde. We have already seen that these districts as far as the Forth, though under the dominion of the Scottish kings, were termed Britain, in opposition to Scotland proper.

But in the year 1018, Malcolm II. enlarged the eastern limits of his kingdom to the present frontier of Scotland, by a grant from Eadulf, Earl of Northumberland, who ceded to him the whole district of Lothian and Berwickshire to the Tweed. This important addition to his kingdom he certainly continued to retain, although the English historians pretend that Canute carried his arms into
A. D. 1031. Scotland, and penetrated far northwards. If such was the case, his invasion and victory remained without fruits.

What the Scottish kingdom acquired on the eastward in the reign of Malcolm II., was balanced by the loss of Cumberland, which William the Conqueror wrenched from Malcolm Canmore. After this period, although Stephen, in his necessity, ceded Northumberland to Scotland, and, although the English on the other hand frequently held military possession of part of the opposite country, the Borders, with the exception of the Debateable Land to the west, and the town of Berwick on the east, which were constant subjects of dispute, might be considered as finally settled according to the present limits.

While these transactions occurred, other most important changes having taken place both in the interior of South and North Britain,

had amalgamated these two grand divisions of the island each into one great kingdom, so that the regions, where they bordered on each other, ceasing to be the residence of independent or tributary states, assumed the character of frontiers, or, as we now term them, of Borders. This important consolidation of England and Scotland, each into a distinct and individual monarchy, took place in both countries nearly about the same period. At least, although the present kingdom of England was formed by the consolidation of the states of the heptarchy rather more early than the Scottish nations were united into one state, the distractions, occasioned by Danish invasions and civil wars, prevented her extending her empire over her northern neighbours. Indeed the power of England could scarce be said to be wielded by one sovereign with uncontrolled sway, until William the Conqueror had repressed the various insurrections of the Saxons, subjugated for ever the tumultuary Northumbrians, and acquired a consolidated force capable of menacing the kingdom of Scotland. Had this event happened a century sooner, it is probable all Britain would, at that early period, have been united under one monarch. Or had a Scottish monarch existed during the heptarchy, as powerful as Malcolm Canmore at a subsequent æra, it is possible that he might have pushed his limits much farther to the south than the present Borders, and would probably have secured to Scotland at least the countries on the north of the Humber. As it happened, the situation and balanced strength of both countries dictated the present limits.

The Saxons, who gave name to England, and language to both nations, now began to disappear from the stage. The local antiquities which are ascribed to them on the Borders are not numerous.

Their coins, as well as those of the Danish dynasty, are frequently found both in England and Scotland; and cups and drinking horns have been preserved and discovered, which may be referred to this period. But of their architecture the ecclesiastical edifices afford almost the only specimen. The houses, even of their princes, were chiefly formed of wood; and their military system consisted rather in giving battle than in attacking or defending places of strength. Some rude ramparts seem to have encircled their towns for protection against the Danish invaders, and in their own civil dissentions. But castles, whether belonging to kings or chiefs, must have been rare during the Saxon period. No specimens survive on the Border, or even farther south, unless the very singular edifice, called Coningburgh Castle, near Sheffield, be considered as a specimen of Saxon military architecture. The Keep is round instead of being square as usual; and, being supported by six huge projecting buttresses, has a massive, and, at the same time, a picturesque appearance. The mortar is of a kind much more imperfect than that which is used in the Norman buildings, having a mixture of ashes and charcoal and very little lime. In this place the Saxons certainly had a castle, as appears from the name, and tradition points out in its vicinity the *tumulus* of the celebrated Hengist. But it is probable that the Saxon building was repaired and improved by William de Warren the Norman baron, on whom it was bestowed by the Conqueror.

If the Saxons left few examples of their military architecture, they laid the foundation of many splendid ecclesiastical establishments. Once the most fierce, they appear, on their conversion, to have become the most devout nation of Europe. Christianity, though such

advantage should not be named with her inestimable spiritual benefits, brought the arts to Britain in her train. Paulinus, one of the missionaries, who, by orders of Pope Gregory, had accompanied to Britain the intrepid Saint Augustin, made great progress in the conversion of Northumberland about the year 625. At Yevering, now an obscure hamlet, about two miles from Wooler, then the royal residence of Edwin, King of Northumberland, and his pious spouse, Ethelburga, Paulinus abode thirty-six days in company with the sovereigns, daily employed in instructing the heathen inhabitants, and baptizing them in the neighbouring river called the Glen. The first church which this zealous and successful missionary constructed in Northumberland was that of Lindesfarne, or Holy Island. It was formed entirely of wood. But the use of stone was speedily introduced, and the art improving in proportion to the encouragement which it received, began, during the eighth and ninth centuries, to assume a more regular and distinct form. The Saxon style of architecture, as it is called with more propriety than that by which the style that succeeded it is termed Gothic, had now assumed a determined character. Massive round arches, solid and short pillars, much gloom and an absence of ornament, mark this original mode of building. It is also remarkable for a peculiar style of architectural decoration, described by Mr Turner in his excellent history of the Anglo-Saxons, as being a universal diagonal ornament, or zigzag moulding, "disposed in two ways, one with its point projecting outwards, the other with its point lying so as to follow the lines which circumscribe it, either horizontal, perpendicular, or circular." There is a curious specimen of this ornament on a door-way in the ruinous part

of the Abbey-Church at Jedburgh,* which looks into the clergyman's garden, which is richly arched with this species of moulding. In the Chapter-House at the same place may be seen a very perfect specimen of Saxon architecture.

The Saxon historians expatiate with a sort of rapture on the magnificence which Wilfred, Bishop of York, displayed in the erection of a church at Hexham. It was raised by masons and pargeters brought from Italy, who garnished the building by winding stairs, elevated it into Roman magnificence, and decorated its walls and vaults with pillars, ornamental carving, oratories, and chapels. Perhaps we may suspect a little exaggeration in this description; for the same authorities assure us, with little probability, that when Wilfred attempted the conversion of the South Saxons, they were rendered so miserable by famine, that they were in the habit by forty at a time to hold each other by the hands and throw themselves into the sea; and that they were so little able to secure themselves from this evil, that, till instructed by Saint Wilfred, they were ignorant of catching any fish but eels. A state so grossly savage in Sussex is scarce to be reconciled with a favourable progress in the arts so much farther to the northward. Still, however, religion appears to have flourished in these savage districts.

Aidan, a monk of Saint Columba's monastery of Iona, was, in 1634, named Bishop of Lindesfarne, or Holy Island, which became soon a renowned seminary. Melrose, a classical name, owed its original foundation to the same Aidan; and, as the holy flame spread around and increased, the abbies of Coldingham and Tyningham were

* Jedworth, or Jedburgh, was founded A. D. 825. See *Caledonia*, vol. I. p. 426.

erected. These buildings, like the church of Lindesfarne, were originally fabricated of wood, and afterwards arose in more durable materials. But of these, and of other Saxon edifices, only fragments can now be traced. The unsparing fury of the heathen Danes destroyed almost all the churches on the Borders, and only in a very few favoured instances can the Saxon architecture be distinguished. Even its remnants are rendered indistinct by the repairs and additions of later ages. The ancient vaults beneath the present church at Hexham, which have been constructed chiefly by the use of materials fetched from some Roman station, as appears from the inscriptions in Horsley's work, are probably the only part remaining of the magnificent church of Wilfred. In Holy Island a few diagonal mouldings and circular arches flatter the fancy of the antiquary that they may have been part of Saint Cuthbert's original church. At Jedburgh, the Chapter-House and one highly enriched door-way have been already noticed. In Kelso Abbey-Church the whole arches and ornaments of the building are decidedly in the Saxon style, and its noble, concentrated, and massive appearance forms one of the most pure and entire, as well as most favourable, specimens of that order, which occur on the Scottish Border. The young student of antiquities is not, however, to set it down as a rule, that, where such ornaments and arches occur, the edifice exhibiting them is indubitably as old as Saxon times. The architecture which had arisen among the Saxons was practised among their successors, not only until the Gothic, as it is called, was introduced, but even in many later instances, from taste or with a view to variety. It is probable that the Cumbrian Britons and those of Reged mingled with the Christian religion circumstances expressive of their own ancient man-

ners and customs; but of this we have little evidence. We may refer, however, to this period, the remarkable monument at Penrith, consisting of two huge stone pillars, richly engraved with hieroglyphics, with a sepulchral stone extended between them. The common tradition terms this the monument of Sir Ewain Cæsarius, a champion who cleared the neighbouring forest of Inglewood of wild beasts.

The edifices upon the Border, dedicated to devotion and peace, arose the more frequently that the good understanding between the English and Scottish nations was for some time only interrupted by occasional and brief wars, bearing little of the character of inveterate hostility which afterwards existed between the sister kingdoms, even in the time of peace. In fact, until the conquest of England by the Normans, and for ages afterwards, each monarch was so earnestly employed in the consolidation of his authority over the mixed tribes to whom it extended, that he had no time for forming schemes of ambition at the expence of his neighbour. If the English frontier regions contained aboriginal Britons, Saxons, Danes, and Normans, the subjects of Scotland were even more miscellaneous. The Picts and Scots had now, indeed, melted down into one people, bearing the latter name; but the Scoto-Britons of Reged still retained a distinct, though no longer an independent, existence. This was still more the case with the people of Galloway, who, lying more remote from the authority of the kings of Scotland, gave them apparently no other obedience than that which was formerly yielded by the British tribes to the Pendragon, or chief of their federation. There remain to be noticed the Scoto-Saxons, being the descendents of those, who, in earlier times, had colonized the northern division of Bernicia, extending from the

banks of the Tweed to the Frith of Forth, and skirting on the west the kingdom of Strath-Clwyde. These Saxons were gradually augmented by such of their countrymen as the civil broils of the heptarchy, the invasion of the Danes, and, finally, the sword of the Normans, drove to seek shelter among their northern brethren; and such was the number of these fugitives, and the influence which they attained at the court of the Scottish monarch, that their language came to be in general use, and at length to supersede the various dialects of the Celtic, which were probably spoken by the other tribes. It cannot but be considered as a very singular phenomenon, that the inhabitants of a ceded province, and that not a large one, should give language to the whole kingdom, although both their original churchmen and royal family were certainly Celtic. But Lothian and the Merse, as the most fertile parts of Scotland, had a natural attraction for her monarchs, and the Saxon language, refined and extended as it must have been by the new emigrants from England, possessed the power of expressing wants and acquisitions unknown to the more simple Celtic nations. It is probable, also, from the expression of Tacitus, that among the various tribes who inhabited the eastern shores of Scotland, particularly about the mouth of the Tay, there might be several of German descent, by whom the Saxon would be readily adopted. Above all, the reader must observe, that, although the Christian missionaries came originally from the Celtic seminary of Iona, yet the large foundations of Lindesfarne, Hexham, Melrose, Coldingham, Jedburgh, and others on the Borders, were endowed by Saxon magnificence, and filled with Saxon monks, who disseminated their language along with their religion through such tribes as still used the British or Celtic tongue. The authority of

these Saxon ministers of religion must have been the more prevalent, as they were held to teach a more orthodox doctrine concerning a very important point of controversy—the keeping of Easter, —than their Scottish brethren. On this subject, Queen Margaret, wife of Malcolm Canmore, employed against the Scottish heresy "the sword of the spirit," combating their errors three days, like "St Helena," says the encomiast, "converting the Jews." Her warlike and royal spouse acted as interpreter on this occasion between his zealous consort and the Scottish clergy, a circumstance which proves that he understood both Saxon and Celtic, she the former language only. It also establishes this fact, that the Lowland Scotch had not yet spread generally through the Celtic tribes, though it did so afterwards.

To the nations already mentioned as subjects of Scotland, must be added the Norman families, who, expelled from England by the various convulsions which took place in that scene of their new conquest, or voluntarily abandoning it in consequence of discovering their services ill recompensed by the Conqueror, were attracted to Scotland by the munificence of Malcolm Canmore. The weak prince, who succeeded that active and enterprising monarch, in vain adopted a different line of policy from his, and laboured to banish from Scotland those foreigners who had settled there under his auspices, —a savage and inhospitable measure by which Donald Bane endeavoured to gain favour with the Scottish tribes, who longed to return to the wild manners of their forefathers. But Alexander I., though himself of a disposition so stern as to acquire the surname of The Fierce, yet, connected with England by marriage, again encouraged the settlement of foreigners in his realm, and the Norman barons,

with their retainers, flocked thither in such numbers, that David I. addresses his charters to his feal subjects, Franks, English, Scottish, and Galwegians; and his son Henry classes the inhabitants of his county of Northumberland into Franks (*i. e.* Normans) and English.

The Normans brought with them their rules of chivalry, their knowledge of the military art, their terms of honour and badges of distinction, and, far the most important, their feudal system of laws. It is not to be supposed that these were at once imposed on the Scottish nation at large, as has been erroneously asserted by the ancient historians of that people. But the fiction of law which considered the sovereign as the original source of all property, and which held the possessors of land by that very act of possession amenable to his courts, and liable to serve in his armies, rendered the system acceptable to the king, while the great barons, being each in their degree invested with the same right and authority within their own domains, were satisfied to submit to the paramount superiority of the crown, distant as it was, and feebly exercised, in consideration of their own direct authority over their vassals being recognised and acknowledged by the same system. The king, by whom grants of land were made, and the nobles to whom they were given, had thus every motive for adopting the feudal form; not to mention that the Norman barons, on whom such marks of regal bounty were conferred, would not have accounted that they possessed them securely, unless they had been expressed in the manner to which the law of their own country had familiarized them. Thus, while in England the feudal law was suddenly imposed in consequence of the Norman conquest, it gradually glided into Scotland, recommended at once by its own well-modelled and systematic arrangement, by the

interests of the king and of the nobles, and the principle of imitation among the inferior gentry. The clergy, doubtless, lent their aid to the introduction of the new system, which, while it imposed no new burthens on their property, gave them at once a firmer and more durable species of land rights, and sundry facilities for exercising their superior knowledge of law, and of legal documents, at the expence of the laity. At what time the feudal system was entirely adopted through the Lowlands of Scotland, it would be difficult to ascertain. We have already seen that the laws of the ancient inhabitants, the customs, as they are called, of the Scots and Bretts, were in some observance during the temporary usurpation of Scotland by Edward I., and that it appears to have been the purpose of that wily monarch, by abolishing these usages, and introducing into the Scottish law an universal observance of the feudal system, to prepare the way for a more complete union between his usurped and his hereditary dominions. One leading feature of Celtic manners and laws remained, however, upon the Borders, until the union of the crowns; and, in despite of the feudal system with which it was often at variance, continued to flourish as well in the southern as in the northern extremities of Scotland. This was the system of septs, or clan-ship, by which these districts were long distinguished.

The patriarchal government of each tribe, or name, by a single chieftain, supposed to represent in blood the father from whom the whole sept claim their original descent, is, of all kinds of government, the most simple and apparently the most universal. It is deduced from the most primitive idea of all authority, that right of command which is exercised by a father over his family. As the

wigwams of the grandchildren arise round the hut of the patriarch, the power of the latter is extended in a wider circumference; and, while the increasing numbers of the tribes bring them into contact, and of course into disputes with other societies of the same kind, this natural HEAD (such is the literal interpretation of the Norman word Chef, or the Celtic Cean) is more extensively useful, as their counsellor in peace and captain in battle. This simple mode of government, very similar to what now exists among the Persian and Hindhu tribes, was universal among the ancient Celtic nations. A confederation of a certain number of these tribes, or clan-ships, under a government, whether monarchical or popular, composed a Celtic kingdom, or state, but did not alter, or interfere with, the authority exercised by each chief over his own tribe. Thus, ancient Gaul was divided into sixty-four states, comprehending four hundred different tribes; which makes a proportion of about six clans to each federal union. In Britain, in like manner, Cæsar enumerates no less than four kings in the province of Kent alone, by which he must have meant four patriarchal chieftains. That such was the original government of Britain, is sufficiently evident from the system of clanship being found in such perfection in Wales, whose inhabitants, driven into the recesses of their mountains by the Saxons, long maintained with their independence the manners of the ancient British. They acknowledged five royal tribes, and five of churle's blood, to one or other of which each genealogist could refer the pedigree of the subordinate septs. That Ireland, unbroken and untouched by the Romans or Saxons, should have possessed the system of clanship in all its perfection, cannot be matter of surprise. In the Highlands of Scotland, the system became only extinct in the days of our fathers. And,

therefore, as being found in all countries where dialects of the Celtic are spoken, and where their customs continued to be preserved, we must account the system of clanship as peculiar to the Celtic tribes, and unknown to the various invaders of Britain, whether Saxons, Danes, or Normans. As it continued to retain full force upon the Borders, we must hold that it was originally derived from the Celtic inhabitants of the western parts of Valentia, who remained unsubdued by the Saxons, and by those of Reged or the modern Cumberland.

Nor does it at all shake this conclusion, that none of the clans distinguished upon the Borders used the Celtic patronymics common in Ireland, Wales, and the Scottish Highlands, and that we are well assured that several of them are of Saxon or Norman descent. In this case, as in Ireland, the Saxon or Norman settlers seem to have readily conformed to the custom of the native inhabitants, and to have adopted the name and authority of chiefs, with as much readiness and as effectual patriarchal sway, as if they had been descended from Galgacus or Cadwallader. A vague tradition asserts, that the number of Scottish Border clans was eighteen, and of those of the Highlands forty-eight; but I presume there is no genealogist now alive who would undertake to repeat the list. At a late period in the history of the Borders, the Scottish parliament, for the purpose of checking the depredations of these septs, published a "Roll of the Clans that has Captains and Chieftains, on whom they depend oft-times against the Will of their Landlords, as well on the Borders as Highlands," which, with some brief remarks on Border-names, will be found in the Appendix to this Introduction.*

* Appendix, No. XII.

The system of clanship thus established on the western and middle parts of the Border, spread its influence into Berwickshire also; for, although the potent family of Gordon, or of Home, has not, in the strictest sense, been termed a clan, that is, a sept depending entirely upon one patriarchal head, and of which the common people, as well as the leaders, bore the same name, yet the heads of the branches of these great families added to their extensive feudal and territorial influence that authority of blood which they exercised over the barons of their own name, as was the case with the Butlers, Giraldines, and other great Norman families settled in Ireland. But on these eastern parts of the marches this clannish attachment was less strong and inviolable, and there are more frequently instances of persons of distinction acting against the head of their family upon occasions of public distraction.* The same thing may be observed on the opposite Borders of England. Northumberland, at least the more level parts of that county, from which the British had been long expelled, was occupied by families of power and distinction, who exercised the same feudal and territorial authority that was possessed by other landholders throughout England. But in the wild and mountainous dales of the Reed, the Tyne, and the Coquet, as well as in the neighbouring county of Cumberland, the ancient British custom of clanship still continued in observance, and the inhabitants acted less under the direction of their landlords than

* In the civil wars of Queen Mary, Godscroft (himself a Home) informs us, after enumerating the royalists, that "the Lord Hume did also countenance them, though few of his friends or name were with him, save one mean man, Ferdinando of Broomhouse." —*History of the Douglasses.* Folio Edit. p. 311.

under that of the principal man of their name, corresponding in this respect with the manners of the Cumbrian Britons, from whom they derived their descent. This grand distinction should be heedfully kept in view by the antiquary; because the mode of government, of living, and of making war, adopted by the Borderers on both sides, seems to have been in a great measure the consequence of this prevailing system of clanship.

The simplicity of the system was its first and principal recommendation. The father is the natural magistrate among those of his own family, and his decisions are received with respect, and obeyed without murmur. Allow the fiction (for such it must frequently have been,) that the existing chief was the lineal descendant and representative of the common parent of the tribe, and he became the legitimate heir of his paternal authority. But the consequences of this doctrine led directly to despotism; and indeed it is upon this very foundation that Sir Robert Filmer, the slavish advocate of arbitrary power, has grounded his origin of magistracy. The evil, however great in a more advanced state of society, was not felt by tribes of bounded numbers, and engaged constantly in war. As soldiers, they felt the necessity of submitting absolutely to their leader, while he exerted his authority with tolerable moderation; and, as commanding soldiers, the chief must have felt the hazard of pushing discipline into tyranny. There were also circumstances which balanced the inconvenience of being subjected to the absolute authority of the chieftain. He was not only the legislator and captain and father of his tribe, but it was to him that each individual of the name looked up for advice, subsistence, protection, and revenge.

The article of counsel, it may be supposed, was mutual; for it is

reasonably to be presumed, that the chieftain would, in any matter of great moment, use the advice of the persons of most consequence in the clan; as, on the other hand, it was a natural part of his duty to direct and assist them by his opinion and countenance.

The support assigned by the chief to his people was so ample, as to render it questionable whether he could call much proper to himself, excepting his horses and arms. However extensive his territories were, he could use no part of them for his own peculiar profit, excepting just so much as he was able (perhaps by incursions upon the neighbouring kingdom) to stock with sheep and with black cattle, which were consumed in the rude festivals of his castle faster than they could be supplied by the ordinary modes of raising them. The rest of the lands he distributed among his principal friends and relations, by whom they were managed in the same way, that is, partly stocked with cattle for the use of the laird, and partly assigned to be the temporary possessions of the followers. The vassals, or, to speak more properly, the men of name among the kindred, sometimes assisted the revenues of the chief by payment of the various feudal casualties, when he happened to be their feudal superior as well as patriarchal captain. But these seem frequently to have remitted "in respect of good and acceptable service," and most probably were at all times levied with a very lenient hand.* Payment

* In most collections of deeds respecting the Borders, gifts of nonentry, &c., from the lord Superior to the faulty vassal, are very numerous. But it sometimes happened, that the lands of a powerful chief were possessed by vassals of a clan different from and hostile to his own; and, in that case, the cause of forbearance did not exist. The Beattisons, a very powerful name on the western frontier, at one time possessed all the valley of Esk as the vassals of the Lord Maxwell. As they refused to pay their feudal acknowledgments to that nobleman, he sold the superiority of these lands to the Lord of Buc-

of rent was totally unknown on the Borders until after James's accession to the crown of England, and thus the chief's superior wealth consisted in his extensive herds and flocks. Here also the inhabitants of the Borders gave token of their Celtic origin. To live on the produce of their flocks, to be independent of the use of bread, to eat in quantity the flesh of their cattle, are attributes which Lesley ascribes to the Borderers in Queen Mary's time, and which also apply to the Welch and the Irish. On the splendour with which the chief practised his rude hospitality, much of his popularity, and of course much of his power, depended. Those who rose to great consequence were in the custom of maintaining constantly in their castles a certain number of the younger and more active warriors of the clan, as we shall have afterwards occasion to notice more particularly. And thus all the chief means of subsistence were expended in the service of his clan.

Protection was the most sacred duty of a chief to his followers, and this he was expected to extend in all forms and under almost all circumstances. If one of the clan chanced either to slay a man, or commit any similar aggression, the chief was expected to defend him by all means, legal or illegal. The most obvious and pacific was to pay such fine, or *amende*, or assythement, as it was called, as might pacify the surviving relations, or make up the feud.* This practice of

cleuch, who dispossessed and nearly exterminated the rebellious vassals, and retaining a large portion of their forfeited estates to himself, distributed the rest among the principal persons of his name.

* In the year 1600, Archibald Napier, second son of Sir Alexander Napier of Merchiston, was way-laid and assassinated by five of the name of Scott, who had a deadly feud with the unfortunate young man. The present Lord Napier has some curious correspondence between the father and brother of the slain gentleman, respecting the assythement offered by the chief in the name of the murderers to atone the quarrel. The bro-

receiving an atonement for slaughter seems also to have been part of the ancient Celtic usages; for it occurs in the Welch laws of Howell Dha, and was the very foundation of the Irish Brehon customs. The vestiges of it may be found in the common law of Scotland to this day. But poor as we have described the Border chief, and fierce as he certainly was by education and office, it was not often that he was either able or disposed to settle the quarrels of his clansmen in a manner so amicable and expensive. War was then resorted to; and it was the duty of the chief and clan who had sustained the injury to seek revenge by every means in their power, not only against the party who had given the offence, but, in the phrase of the time and country, against all his name, kindred, maintainers, and upholders. On the other hand, the chief and clan to whom the individual belonged who had done the offence, were equally bound in honour, by every means in their power, to protect their clansman, and to retaliate whatever injury the opposite party might inflict in their thirst of vengeance. When two clans were involved in this species of private warfare, which was usually carried on with the most ferocious animosity on both sides, they were said to be at *deadly feud*, and the custom is justly termed by the Scottish parliament most heathenish and barbarous. And the Statute-book expressly states, that the murders, ravage, and daily oppression of the subjects, to the displeasure of God, dishonour of the prince, and devastation of the country, was occasioned partly by the negligence of the landlords and territorial magistrates, within whose jurisdiction the malefac-

---

ther seems to have declared for revenge, the father appears rather inclined to accommodate the dispute.

tors dwelt, but chiefly by the chieftains and principal leaders of the clans and their branches, who bore deadly quarrel and sought revenge for the hurt or slaughter of any of their "unhappy race," although done in form of justice, or in recovery of stolen goods. "So that," continues the statute, "the said chieftains, principals of branches, and householders, worthily may be esteemed the very authors, fosterers, and maintainers of the wicked deeds of the vagabonds of their clans or surnames."* In these deadly feuds, the chiefs of clans made war, or truce, or final peace with each other, with as much formality, and as little sincerity, as actual monarchs. Some examples of which the reader will find in the Appendix; and for others he is referred to the account of the private wars between the powerful families of Johnstone and Maxwell, in the end of the sixteenth century, in which each clan lost two successive chieftains. Many battles were fought, and much slaughter committed.†

As the chief was expected to protect his followers, in good and evil, from the assaults of their neighbours, and even from the pursuit of justice, the followers and clansmen were expected, on the other hand, to exhibit the deepest marks of devotion to his interest, never to scruple at his commands when alive, and, in case of his death by violence, to avenge him, at whatever risk to themselves. In the year 1511, Sir Robert Kerr, warden of the Middle Marches, was slain at a Border meeting by three Englishmen. Starkhed, one of the murderers, fled, it is said, nearly as far south as York, and there lived in private and upon his guard. Yet in this place of security he was surprised and murdered by two of Sir Robert Kerr's follow-

* Statute, 1594, chap. 211. † See Minstrelsy of the Scottish Border, Vol. I. p. 260.

ers, who brought his head to their master, by whom, in memorial of their vengeance, it was exposed at the Cross of Edinburgh. These observations may suffice to explain the state of clanship as it existed on the frontier. The cause of the system's subsisting so long was its peculiar adaptation for the purposes of war and plunder, which the relative condition of the two kingdoms rendered in later times the constant occupation of the Borderers. This was not always the case, for there was an early period of history when the hostility between the two kingdoms was neither constant nor virulent.

Until the death of Alexander III. of Scotland, and the extinction of the direct line of succession to the crown opened the way to the ambition of Edward I., there were long continued intervals of peace and amity between England and Scotland. The royal families of each country were united by frequent alliances; and as the possession of extensive domains in England, held of the English crown, frequently obliged the kings of Scotland to attend the court of their brother-sovereign, they formed friendships both with the English kings and nobles, which tended to soften the features of hostility when it broke out between the nations. The attachment of Malcolm IV. to Henry II. was so great as to excite the jealousy of his own subjects; and the generosity of Cœur de Lion restored to William of Scotland the pledges of homage which had been extorted from him after his defeat and imprisonment at Alnwick, and converted an impatient vassal into an affectionate and grateful ally. From that period, A.D. 1189, there was an interval of profound peace between the realms for more than a century. During this period, as well as in the preceding reigns, the state of the Border appears to

have been in a state of progressive improvement. It was there that David I. chose to establish the monastic institutions whose magnificent remains still adorn that country, the Abbies, namely, of Kelso, Melrose, Jedburgh, and Dryburgh. The choice of spots so near the limits of his kingdom (for his possession of some part of the North of England was but precarious) was, perhaps, dictated by the sound policy of ensuring the cultivation of tracks peculiarly exposed to the ravage of the enemy, by placing them under the sacred protection of the church. In this point of view the foundations completely answered the purpose designed; for it is well argued by Lord Hailes, that, while we are inclined to say with the vulgar that the clergy always chose the best of the land, we forget how much their possessions owed their present appearance to the art and industry of the clergy, and the protection which the ecclesiastical character gave to their tenants and labourers, while the territories of the nobles were burnt and laid waste by invaders. If these advantages are taken into consideration, we shall admire, rather than censure, the munificence of David I., and hesitate to join the opinion of his successor, who, adverting to his character of sanctity, purchased, as he deemed it to have been, by his dilapidation of the royal patrimony, observed, sarcastically, that he had proved a sore saint for the crown.

The settlement of these monasteries contributed, doubtless, not a little to the improvement of the country around them; and the introduction of many Norman families upon the border country must also have had its share in introducing regular law and good order. Under the progressive influence of these changes of property, it seems probable that the Celtic system of clanship would have gradually

given way, and that the Borderers would have assimilated their customs and manners to those of the more inland parts of Scotland. But the savage and bloody spirit of hostility which arose from Edward the First's usurpation of the crown of Scotland, destroyed in a few years the improvements of ages, and carried the natives of these countries backward in every art but in those which concerned the destruction of the English and each other. The wars which raged through every part of Scotland in the thirteenth century, were urged with peculiar fury on the Borders. Castles were surprised and taken; battles were won and lost; the country was laid waste on all sides, and by all parties: The patriotic Scotch, like the Spaniards of our own time, had no escape from usurped power but by sacrificing the benefits of civilization, and leading the lives of armed outlaws. The struggle, indeed, terminated in the establishment of national independence; but the immediate effect of the violence which had distinguished it was to occasion Scotland retrograding to a state of barbarism, and to convert the borders of both countries into wildernesses, only inhabited by soldiers and robbers. Many towns, which had begun to arise in the fertile countries of Roxburgh and Berwickshires, were anew ruined. Roxburgh itself, once one of the four principal burghs of Scotland, was so completely destroyed, that its site is now only remembered and pointed out by tradition.

The mode of warfare adopted by the Scots themselves, however necessary and prudent, was destructive to property, and tended to retard civilization. They avoided giving pitched battles, and preferred a wasting and protracted war, which might tire out and exhaust the resources of their invaders. They destroyed all the grain and other resources of their own country which might have afforded

relief to the Englishmen, and they viewed with great indifference the enemy complete the work of destruction. In the mean while, they secured their cattle among the mountains and forests, and either watched an opportunity to attack the invaders with advantage, or, leaving them to work their will in Scotland, burst into England themselves, and retaliated upon the enemies' country the horrors which were exercised in their own.* This ferocious, but uncompromising mode of warfare, had been strongly recommended in the rhymes considered a legacy from Robert Bruce to his successors, and which indeed do, at this very day, comprise the most effectual, and almost the only defensive measures, which can be adopted by a poor and mountainous country, when invaded by the overpowering armies of a wealthy neighbour. The concentration of the national forces in woods, mountains, and difficult passages,—the wasting the open country, so as to deprive the enemy of the supplies they might obtain from it,—sudden attacks from ambushes and by night,—a sys-

* This extraordinary species of warfare astonished the French auxiliaries, who, under John de Vienne, came to the assistance of the Scottish in the year 1384. They beheld with surprise the Scottish army decline combat, and, plunging into the woods, "destroy," says Froissart, "all as they went, and burn towns, villages, and manors, causing all the men, women, and children to retreat with their cattle into the wild forests, where they knew well that the English could not follow them." Then, while an English army ravaged the country of Scotland, and burned the capital, the Scottish forces burst into Northumberland and Cumberland, wasting, slaying, and burning without mercy, until, in the opinion of the French auxiliaries, they had done more damage in the bishoprics of Durham and Carlisle than all the towns of Scotland were worth. "So the Frenchmen and Scotts returned into Scotland the same way they came; and when they came into Scotland, they found the country destroyed, but the people did set but little thereby, and said how with three or four poles they would soon set up their houses again, and that they had saved much of their cattle in the woods."—*The Cronycle of* Froissart, vol. II. p. 27. 29.

tem of destroying the hostile communications and narrowing their resources, are as distinctly recommended by these homely lines as they were to the Portugueze by the great captain whose conduct and valour achieved their independence. In the following transcript, the modern orthography is preferred:—

On foot should be all Scottish weir,*
By hill and moss themselves to wear; †
Let wood for walls be bow and speir,
That enemies do them no dreire. ‡
In strait places gar ‖ keep all store,
And burn the plain land them before;
Then shall they pass away in haste,
When that they find naething but waste.
With wiles and wakening on the night,
And meikle noises made on height;
Than shall they turn with great affray
As they were chased with sword away;
This is the counsell and intent
Of good King Robert's testament.

FORDUNI, *Scotichronicon*, vol. II. p. 232.

It followed, from this devastating system of defensive war, that the Scottish were so far from desiring to cover their borders by building strong places or fortresses, that they pulled them down and destroyed them where they already existed. Buchanan has elegantly turned this systematic destruction of their castles into a compliment to the valour of his countrymen;

Nec fossis et muris patriam sed Marte tueri.

But, without disparaging Scottish valour, the motive of leaving their

* *Weir*—war. † *Wear*—to defend. ‡ *Dreire*—harm or injury. ‖ *Gar*—cause.

frontier thus open, seems to have been a consciousness that they were greatly surpassed by the English both in the attack and defence of their strongholds;—that if they threw their best warriors into frontier garrisons, they might be there besieged, and reduced either by force or famine; and that the fortresses of which the enemy should thus obtain possession, might afford them the means of maintaining a footing in the country. When, therefore, the Scottish patriots recovered possession of the castles which had fallen into the power of the English, they usually dismantled them. The Good Lord James of Douglas surprised his own castle of Douglas three times, it having been as frequently garrisoned by the English, and upon each occasion he laid waste and demolished it. The military system of Wallace was on the same principle. And, in fine, with very few exceptions, the strong and extensive fortresses, which had arisen on the Scottish Borders in better times, were levelled with the ground during the wars of the thirteenth century. The ruins of the Castles of Roxburgh, of Jedburgh, and of several others which were thus destroyed, bear a wonderful disproportion in extent to any which were erected in subsequent times. Nay, the Castle of Jedburgh was so strongly and solidly constructed, and the Scottish so unskilful in the art of destruction, even where there was no military opposition, that it was thought it could not be destroyed without such time and labour as would render it necessary to impose a tax of two pennies on every hearth in Scotland to defray the expense. But Duke Robert of Albany, then regent, to shun the unpopularity of this impost, defrayed the charge of the demolition out of the crown revenues.

This continued to be the Scottish defensive system for many ages,

and, of course, while it exposed invaders to hardships, loss, and want of subsistence, it reduced the frontiers of their own country, for the time, to a waste desart. Beacons were lighted in such a manner as to signify either the threatened approach, or actual arrival, of the English army. These were maintained at Hume Castle, at the Tower of Edgerhope, or Edgerstane, near the sources of the Jed, upon the ridge of the Soltra Hills, at Dunbar, Dunpender (or Trapraine) Law, North-Berwick Law, and other eminences; and their light was a signal for the Scottish forces to assemble at Edinburgh and Haddington, abandoning to waste and pillage all the southern counties.* Till the very last occasion of hostility between England and Scotland, this mode of defensive war was resorted to in the latter kingdom. Cromwell found the Borders in that desolate situation in his campaign of 1650; and, had it not been for the misjudged zeal of the presbyterian ministers, who urged David Lesley to give battle at Dunbar, he must have made a disastrous and disgraceful retreat.†

From this system it followed that most of the Scottish places of strength, even when the abode of great nobles or powerful chiefs,

---

* Statute 1455. Chap. 28.

† "In the march between Mordington and Coppersmith (Cockburn's Path) we saw not any Scotchman in Eyton, and other places that we passed through; but the streets were full of Scotch women, pitiful sorry creatures, clothed in white flannel, in a very homely manner. Very many of them very much bemoaned their husbands, who, they said, were enforced by the lairds of the towns to gang to the muster. All the men in this town (Dunbar,) as in other places of this day's march, were fled; and not any to be seen above seven or under seventy years old, but only some few decrepid ones."—*Relation of the Fight at Leith, near Edinburgh, &c. published by authority; printed by Ed. Griffin*, 1650, 4*to*.

were constructed upon a limited and mean scale. Built usually in some situation of natural strength, and having very thick walls, strongly cemented, they could easily repel the attack of any desultory incursion; but they were neither victualled nor capable of receiving garrisons sufficient to defend them, excepting against a sudden assault. The village, which always almost adjoined to the castle, contained the abodes of the retainers, who, upon the summons of the chieftain, took arms either for the defence of the fortress or for giving battle in the field. Of these, the greater part were called "kindly tenants," or "rentallers," deriving the former name from the close and intimate nature of their connection with the lord of the soil, from whom they held their little possessions by favour rather than bargain; and the latter from the mode in which their right of possession was constituted, by entering their names in their lord's rental-book. Besides this ready militia, the more powerful chiefs maintained in their castle, and as immediate attendants upon their persons, the more active young gentlemen of their clan, selected from the younger brethren of gentlemen of estate, whose descent from the original stock, and immediate dependence upon the chief, rendered them equally zealous and determined adherents.

---

* Satchells gives a list of the pensioners thus daily maintained in the family of Buccleuch, and distinguishes the lands which each held for his service:—

"That familie they still were valiant men,
No Baron was better served into Britain;
The Barons of Buckcleugh they keept at their call
Four and twenty gentlemen in their hall,
All being of his name and kin,
Each two had a servant to wait on them;

These were recompensed by grants of land, in property or lease, which they stocked with cattle or sheep, as their chief did those which he retained in his own hands.

But the castles which held these garrisons, whether constant or occasional, were not of strength, or at least of extent, at all commensurate with the military power of the chiefs who inhabited them. The ruins of Cessford, or of Branxholm, before the latter was modernized, might be considered as on the largest scale of Scottish Border fortresses, and neither could brook comparison with the baronial castles of English families of far less power and influence.

Hume Castle might be reckoned an exception, from its extent and importance. The French king was at one time required to supply a garrison for it, (*Border Hist.* p. 571,) which shews a determination to defend it to the uttermost. But this fortress commanded and protected Berwickshire, a country which, from its wealth and po-

---

Before supper and dinner most renowned,
The bells rung and the trumpet sounded,
And more than that I do confess,
They kept four and twenty pensioners;
Think not I lie, or do me blame,
For the pensioners I can all name;
There's men alive elder than I,
They know if I speak truth or lie.
Ev'ry pensioner a room did gain,
For service done and to be done,
This I'le let the reader understand,
The name of both the men and land,
Which they possess'd it is of truth,
Both from the Lairds and Lords of Buckleugh."

History of the Name of Scott.

pulation, as well as from the strength of the frontier afforded by the Tweed, early lost the wilder and more savage features of the middle and western Borders. Even in this case it was not without great hazard that the Scottish transgressed their usual rules, by covering this commanding situation with a strong and extensive castle. For Hume Castle was taken by the English after the fatal battle of Pinkie, and again in the year 1570; and being garrisoned by the enemy, afforded, on both occasions, a strong-hold from which they were not easily dispossessed.

The Castle of Caerlaverock, on the western frontier, protected against the English by its situation, appears also to have approached, in size and splendour of architecture, to the dignity of an English fortress; but this fortress also was repeatedly taken by the invaders. The original Castle of Caerlaverock was besieged, taken, and garrisoned by Edward I. in the year 1300. The siege is the subject of a curious French poem preserved in the British Museum, and published in the Antiquarian Repertory. When recovered by Sir Edward Maxwell, during the wars of Robert Bruce, he dismantled it, according to the policy which we have already noticed. The present castle, built on a scale of unusual size and magnificence by the powerful family of Maxwell, was ruined by the Earl of Sussex in the fatal year 1570. Much of the present ruins belong to the seventeenth century; and the castle owes its state of desolation to the successful arms of the Covenanters in 1640.

The extensive ruins of Bruce's ancient castle, on a lake beside Lochmaben, indicate its extent and strength; and, by the Scottish regulations, particular care was enjoined that it should be kept by a "wise and famous gentleman," with four horsemen in constant at-

tendance, who was to discharge the office of steward-depute of Annandale. But Lochmaben Castle was founded before the bloody wars in the fourteenth century, when the Borders were in a state of comparative civilization. Most of the other abodes of the south-western barons, as Closeburn, Spedlin's Castle, Hoddom, Lagg, Amisfield, &c. are towers upon the same plan with those already described.

Even the royal castles on the Border boasted little splendour. That of Newark, a favourite hunting-seat of the kings of Scotland, is merely a large and strong tower, surrounded by a wall of defence, or barnkin. The darksome strength and retired situation of the Hermitage Castle made it long a chosen hold of the Earls of Douglas, and the succeeding branch of the house of Angus, who appear to have fortified it, with little attention indeed to architectural beauty, but so as greatly to improve the natural advantages of its wild sequestered situation. After Hermitage fell into the hands of the crown, it seems usually to have been garrisoned with a few hired soldiers, and was the ordinary residence of the Earls of Bothwell during their power on the Border.

The smaller gentlemen, whether heads of branches of clans, or of distinct families, inhabited dwellings upon a still smaller scale, called Peels, or Bastle-houses. These were surrounded by an inclosure, or barnkin, the wall whereof was, according to statute, a yard thick, six yards in height, surrounding a space of at least sixty square feet.* Within this outer work the laird built his tower, with its projecting battlements, and usually secured the entrance by two doors; the outer of grated iron, the innermost of oak clenched with nails. The apart-

* Statute, 1535.

ments were placed directly above each other, accessible only by a narrow "turnpike" stair, easily blocked up or defended. Sometimes, and in the more ancient buildings, the construction was still more rude: There was no stair at all; and the inhabitants ascended by a ladder from one story to another. Smallholme, or Sandiknow Tower, is one of the most perfect specimens of this species of habitation, which was usually situated on the brow of a rock, or the brink of a torrent; and, like the castle of the chief, had adjacent huts for the reception of those who were called upon to act in its defence. The Castle of Beamerside, still the residence of the ancient family of Haig, is a tower of the same kind, and is still inhabited by the proprietor.

Upon a sudden attack from any small incursive party, these strengths, as they were called, afforded good means of defence. Artillery being out of the question, they were usually attacked with bows, or hagbuts, the discharge of which drove the defenders from the loop-holes and battlements, while the assailants, heaping together quantities of wetted straw, and setting it on fire, drove the garrison from storey to storey by means of the smoke, and sometimes compelled them to surrender. The mode of defence, by stones, arrows, shot, and scalding water, was equally obvious and simple; and, in ordinary cases, by such means of resistance, joined to the strength of the place, and the military disposition of the inhabitants around, who readily rose "to the fray," a desultory attack was easily repulsed. But when, as often happened, the English entered the frontiers with a regular army, supplied with artillery, the lairds usually took to the woods or mountains, with their more active and

mounted followers, and left their habitations to the fate of war,* which could seldom do any permanent damage to buildings of such rude and massive construction, as could neither be effectually ruined by fire nor thrown down by force. Hence it is no uncommon circumstance to observe, that the same castles are, in the course of a few years, repeatedly stated to be destroyed in the annals of English invasion. Where, however, it was determined in the English councils to make the Scottish frontiers feel the sword and firebrand, the scale of mischief was immense, and embraced whole districts, while the military inhabitants of the plundered country, so soon as the burst of fury was over, set themselves about to regain, by repeated forays, on a smaller scale indeed, but equally formidable from their frequency, a compensation for the property which they had been compelled to abandon to the overpowering force of the invaders. The two most dreadful invasions commemorated in Scottish annals, were the great inroads of the Earl of Hertford in the end of Henry the Eighth's reign, and that of the Earl of Sussex in the twelfth year of Queen Elizabeth. †

While such was the state of the landholder, and even of the noble, upon the Borders, it is natural to enquire into the condition of the towns along the Scottish frontier. It appears they were numerous,

---

* On such occasions it sometimes happened that a few retainers were left as *enfans perdus*, without the means of escape, to hold the tower out to the uttermost, and thus protect the retreat of the laird. This appears from the account given by Patten of the siege of the towers of Anderwick and Thornton by the Lord Protector Somerset, which also contains a minute account of the mode of attacking and defending a Scottish Peel or Bastel-house. Appendix, No. IV.

† See Appendix, No. V.

and, considering the very precarious state of security, full of inhabitants. Dumfries, Jedburgh, and Selkirk, were those of principal note. They were under the same mode of government by their own elective magistrates as the other free boroughs of Scotland, and, on many occasions, maintained their freedom and franchises against the powerful barons in the neighbourhood, with whom they were frequently at feud.* Besides these intestine divisions, they had to be constantly on their guard against the inhabitants of the opposite frontier, to whom their wealth (such as it was) afforded great temptation. It was acquired chiefly by smuggling; for, as the most rigorous laws in both countries prohibited all mercantile intercourse upon the Borders under high pains, a great contraband trade, both for cattle, horses, salt, fish, and other merchandise, existed upon the frontiers, even till the union of the kingdoms, when most of the southern boroughs of Scotland experienced a great declension, both in wealth and inhabitants, from its being discontinued. Every free burgher was by his tenure a soldier, and obliged, not only to keep watch and ward for the defence of the town, but to march under his

* There was a memorable feud betwixt the Laird of Fairnyhirst and the town of Jedburgh, accompanied with some curious circumstances. The chief was attached to the interest of Queen Mary, the burghers of Jedburgh espoused that of King James VI. When a pursuivant, under the authority of the queen, was sent to proclaim that every thing was null which had been done against her, during her imprisonment in Loch-Leven, the provost commanded him to descend from the cross, and, says Bannatyne, "caused him eat his letters, and thereafter loosed down his points, and gave him his wages on his bare buttocks with a bridle, threatening him that if ever he came again he should lose his life."—BANNATYNE'S *Journal*, p. 243. In revenge of this insult, and of other points of quarrel, Fairnyhirst made prisoners, and hanged ten of the citizens of Jedburgh, and destroyed with fire the whole stock of provisions which they had laid up for the winter.

magistrates, deacons of craft, &c. to join the king's banner when lawfully summoned. They also attended in order of battle and well armed at the warden meetings and other places of public rendezvous on the Borders, had their peculiar gathering words and war-cries and appear often to have behaved with distinguished gallantry.*

The Border towns were usually strong by situation, as Dumfries upon the Nith, and Jedburgh upon the river of the same name, and were almost always surrounded by some rude sort of fortification, or wall, with gates, or, as they were called in Scottish, ports. But even when these defences were forced by a superior enemy, the contest was often maintained with obstinacy in the town itself, where the height of the houses and narrowness of the streets afforded to brave and determined men the means of resistance, or at least of vengeance. Most of the towns and even villages contained, besides the houses of the poorer inhabitants, bastel-houses, or towers, surrounded with walls, like those which we have described as the habitations of the landed proprietors. The ruins of these are to be seen in most Border villages of antiquity. In that of Darnwick, near Melrose, there is one belonging to a family called Fisher, almost entire. There is another at Jedburgh, which Queen Mary is said to

---

* The citizens of Jedburgh were so distinguished for the use of arms, that the battle-axe, or species of partizan, which they commonly used, was called a Jeddart-staff, after the name of the burgh. Their bravery turned the fate of the day at the skirmish of the Reedswair, one of the last fought upon the Borders, and their *slogan*, or war-cry, is mentioned in the old ballad which celebrates that event—

> Then rose the slogan with a shout,
> "Fye to it Tynedale"—"Jedburgh's here."

have lodged in after her ill-fated expedition to visit Bothwell at Hermitage Castle. These towers were either the abode of the wealthier citizens, or of the neighbouring gentry, who occasionally dwelt within the burgh, and they furnished admirable posts for the annoyance of an enemy, even after they had possessed themselves of the town. Lessudden, a populous village, when burned by Sir Ralph Evers in 1544, contained no less than sixteen strong bastel-houses; and Jedburgh, when taken and burned by the Earl of Surrey, contained six of these strong-holds, with many good houses besides, was twice as large as the town of Berwick, and could have accommodated a garrison of a thousand cavalry. The defence of these towns was very obstinate, the people themselves pulling down the thatch of their houses, and burning it in the streets to stop the progress of their enemies; and the military spirit of the Borderers was such as calls forth the following very handsome compliment from the generous Surrey:—"I assure your Grace (Henry VIII.) that I found the Scots at this time the boldest men and the hottest that ever I saw any nation, and all the *journee* upon all parts of the army they kept us with such continual skirmishes that I never beheld the like. If they could assemble forty thousand as good men as the fifteen hundred or two thousand I saw, it would be a hard encounter to meet them." *

If we turn our eyes from the frontiers of Scotland to those of England, we shall behold a very different scene, indicating, even in these remote provinces, the superior wealth and civilization of the English nation, with that attention to defence which was the natural

* Cotton MSS. Calig. B. IV. fol. 29.

consequence of their having something of value to defend. The central marches, indeed, and the extreme verge of the frontier in every direction, excepting upon the east, were inhabited by wild clans as lawless as their northern neighbours, resembling them in manners and customs, inhabiting similar strong-holds, and subsisting, like them, by rapine. The towers of Thirlwall, upon the river Tippal, of Fenwick, of Widdrington, and others, exhibit the same rude strength and scanty limits with those of the Scottish Border chieftains. But these were not, as in Scotland, the abode of the great nobles, but rather of leaders of an inferior rank. Wherever the mountains receded, arose chains of castles of magnificent structure, great extent, and fortified with all the art of the age, belonging to those powerful barons whose names hold so high a rank in English history. The great house of Clifford of Cumberland alone possessed, exclusive of inferior strong-holds, the great and extensive castles of Appleby, Brough, Brougham, Pendragon, and Skipton, each of which formed a lordly residence, as may yet be seen from their majestic ruins. The possessions of the great house of Percy were fortified with equal strength. Warkworth, Alnwick, Bamborough, and Cockermouth, all castles of great baronial splendour and strength, besides others in the interior of the country, show their wealth and power. Raby Castle, still inhabited, attests the magnificence of the great Nevilles, Earls of Westmoreland; and the lowering strength of Naworth shews the power of the Dacres. All these, and many others which might be mentioned, are so superior to edifices of the same kind in Scotland, as to verify the boast, that there was many a dog-kennel in England to which the tower

of a Scottish Borderer was not to be compared.* Yet when Naworth or Brougham Castles are compared with the magnificence of Warwick and of Kenilworth, their savage strength, their triple rows of dungeons, the few and small windows which open to the outside, the length and complication of secret and subterranean passages, shew that they are rather to be held limitary fortresses for curbing the doubtful allegiance of the Borders, and the incursions of the Scottish, than the abodes of feudal hospitality and baronial splendour.

The towns along the English frontier were, in like manner, much better secured against incursions than those of the opposite Borders. The necessity of this had been early taught them. In the reign of Edward I., a wealthy burgess of Newcastle was made prisoner in his own house by a party of Scottish moss-troopers, carried into Scotland, and compelled to ransom himself. This compelled the inhabitants to fortify that city.† The strength and importance of Berwick, often won and lost during the fourteenth century, induced the English to bestow such expence and skill in fortifying it, that, after the year 1482, it remained as a gate between the kingdoms, barred against the Scottish, but through which the English could at pleasure make irruption. A strong garrison was maintained in that city, ready at all times for service; and, to have kept Berwick-upon-Tweed, was of itself a sufficient praise for a military man, and sums

* See *Cabala*, p. 160.

† Chorographia, or a Survey of Newcastle-upon-Tyne, republished by the Antiquarian Society of that city.

up, in a minstrel ballad, the character of Harry Hotspur himself.* When garrisons of regular troops were lodged, as was usually the case, in the royal castle of Norham, and Lord Grey's baronial castle of Wark, with smaller parties in those of Etal, Ford, Cornhill, and Twizell, the course of the Tweed, where it divides the kingdoms, was well protected from invasion; and the necessary siege of one or other of this chain of fortresses usually found the Scottish arms such employment, that, ere they could advance into the interior of Northumberland, the array of England was collected and combined for the defence of her frontier. Carlisle, strong and skilfully fortified, having besides a castle of great antiquity and strength, was to the English west marches what Berwick was on the east, a place of arms and a rallying point. The crown appears frequently to have maintained garrisons there, besides the retinue which was assigned to the wardens, as also at Askerton in Bewcastle, Naworth, and other places of strength. Hexham, in the centre of the Border line, was

---

* In the old song of the Battle of Otterbourne, Hotspur is thus eulogized:

Sir Henry Percye in the New Castell lay,
I tell ye withouten drede,
He had been a march-man all his dayes,
And kept Berwicke upon Tweed.

Sir Ralph Evers, a Border hero of later date, who was slain in the battle of Ancrum-moor, receives a similar compliment from the minstrel by whom he was celebrated—

And now he has in keeping the town of Berwicke,
The town was ne'er so well keepit I wot;
He maintain'd law and order along the Border,
And ever was ready to prikke the Scot.

also fortified, so that if any considerable body of the Scottish forces should penetrate through the wastes of Reedsdale and Tynedale, they might still find an obstacle in their passage.

But, although these precautions served to protect the English frontier from those extensive scenes of inroad and desolation which their arms sometimes inflicted on Scotland, and in so far afforded them defence, yet the evils of the desultory war carried on by small parties of the enemy, who made sudden irruptions into particular districts, laid all waste, and returned loaded with spoil, were not to be guarded against. If the waste committed by the English armies was more widely extended and generally inflicted, the continual and unceasing *raids* of the Scottish Borderers were scarcely less destructive. The English, if better defended by castles and garrisons, afforded, from the superior wealth of the country, stronger temptation to their free-booting neighbours, and gain is a surer spur to adventures of this kind than mere revenge. The powerful Earl of Northumberland, writing to Henry VIII., complains, that from his house at Warkworth he sees the horizon enlightened by the burning hamlets, which the Scottish marauders had pillaged and fired. Such were the frequent signals of invasion—

> ——————— at whose sight
> So oft the yeoman had in days of yore,
> Cursing his perilous tenure, wound the horn;
> And warden from the castle-tower rung out
> The loud alarm-bell, heard far and wide.
>
> *Madoc*, p. 359.

The tenure of cornage, alluded to by the poet in these beautiful lines, was well known on the English Borders, as well as on the

Marches of Wales, to which the verses refer. The smaller barons usually held their lands and towers for the service of winding a horn, to intimate the approach of a hostile party. An alarm of this sort, and its consequences, Æneas Silvius witnessed on his passing through Northumberland in his road to Scotland, in the character of a legate, in the year 1448.

"There is a river, (the Tweed) which spreading itself from a high mountain, parts the two kingdoms; Eneas having crossed this in a boat, and arriving about sunset at a large village, went to the house of a peasant, and there supped with the priest of the place and his host. The table was plentifully spread with large quantities of poultry and geese, but neither wine nor bread was to be found there, and all the people of the town, both men and women, flocked about him as to some new sight; and as we gaze at Negroes or Indians, so did they stare at Eneas, asking the priest where he came from, what he came about, and whether he was a Christian. Eneas, understanding the difficulties he must expect on this journey, had taken care to provide himself at a certain monastery with some loaves, and a measure of red wine, at sight of which they were seized with greater astonishment, having never seen wine or white bread. Women with child came up to the table with their husbands, and after handling the bread and smelling the wine, begged some of each, so that it was impossible to avoid distributing the whole among them. The supper lasted till the 2d hour of the night; the priest and host, with all the men and children, made the best of their way off, and left Eneas. They said they were going to a tower a great way off for fear of the Scots, who, when the tide was out, would come over the river and plunder; nor could they with all his intreaties by any means be pre-

vailed on to take Eneas with them, nor any of the women, though many of them were young and handsome, for they think them in no danger from an enemy, not considering violence offered to women as any harm. Eneas therefore remained alone for them with two servants and a guide, and 100 women, who made a circle round the fire, and sat the rest of the night without sleeping, dressing hemp and chatting with the interpreter. Night was now far advanced, when a great noise was heard by the barking of dogs, and screaming of the geese. All the women made the best of their way off, the guide getting away with the rest, and there was as much confusion as if the enemy was at hand. Eneas thought it more prudent to wait the event in his bed-room, (which happened to be a stable,) apprehending if he went out he might mistake his way and be robbed by the first he met. And soon after the women came back with the interpreter, and reported there was no danger, for it was a party of friends, and not of enemies, that were come."

To prevent these distressing inroads, the English warden, Lord Wharton, established a line of communication along the whole line of the Border, from Berwick to Carlisle, from east to west, with setters and searchers, sleuth-hounds, and watchers by day and night.* Such fords as could not be conveniently guarded, were, to the number of thirty-nine, directed to be stopped and destroyed, meadows and pastures were ordered to be inclosed that their fences might oppose some obstacle to the passage of marauders, and narrow passes by land were appointed to be blocked up or rendered unpassable.

* See Articles devised at Newcastle in the 6th of Edward VI. Border Laws, Appendix.

All these precautions, while they shewed the extent of the evil, did not, however anxiously considered and carefully enforced, produce, in any remarkable degree, the good effects which might have been expected. Indeed the state of the population on either side of the frontier had become such, that to prevent these constant and reciprocal incursions was absolutely impossible, without a total change on their manners and habits of life. And this leads us to take a brief review of the character and manners of the Borderers on either side.

Lesley, bishop of Ross, has given us a curious chapter on the manners of the Borderers of Scotland, a translation whereof the reader will find in the Appendix, No. VI. Contrary to the custom of the rest of Scotland, they almost always acted as light-horsemen, and used small active horses accustomed to traverse morasses, in which other cavalry would have been swallowed up. Their hardy mode of life made them indifferent to danger, and careless about the ordinary accommodations of life. The uncertainty of reaping the fruits of their labour, deterred them from all the labours of cultivation; their mountains and glens afforded pasturage for the cattle and horses, and when these were driven off by the enemy, they supplied the loss by reciprocal depredation. Living under chiefs by whom this predatory warfare was countenanced, and sometimes headed, they appear to have had little knowledge of the light in which their actions were regarded by the legislature; and the various statutes and regulations made against their incursions, remained in most cases a dead letter. It did indeed frequently happen that the kings, or governors of Scotland, when the disorders upon the Border reached to a certain height, marched against these districts with an

overpowering force, seized on the persons of the chiefs, and sent them to distant prisons in the centre of the kingdom, and executed, without mercy, the inferior captains and leaders. Thus, in the year 1529, a memorable æra for this sort of expeditious justice, James V., having first committed to ward the Earl of Bothwell, the Lords Home and Maxwell, the Lairds of Buccleuch, Fairnihirst, Johnstone, Polwarth, Dolphington, and other chiefs of clans, marched through the Borders with about eight thousand men, and seizing upon the chief leaders of the moss-troopers, who seem not to have been aware that they had any reason to expect harm at their sovereign's hands, executed them without mercy. Besides the celebrated Johnie Armstrong of Gillnockie, to whom a considerable part of the English frontier paid black-mail, or protection-money, the names of Piers Cockburn of Henderland, Adam Scott of Tushielaw, called the King of the Border, and other marauders of note, are recorded as having suffered on this occasion. And although this, and other examples of severity, had the effect for the time, as the Scottish phrase is, of "dantoning the thieves of the Borders, and making the rush-bush keep the cow," yet this course not only deprived the kingdom of the assistance of many brave men, who were usually the first to endure or repel the brunt of invasion, but it also diminished the affections of those who remained; and a curious and middle state of relation appears to have taken place between the Borderers on each side, who, as they were never at absolute peace with each other during the cessation of national hostilities, seem, in like manner, to have shunned engaging in violent and sanguinary conflicts, even during the time of war. The English Borderers, who were in the same manner held aliens to the civilized part of the country, insomuch

that, by the regulations of the corporation of Newcastle, no burgess could take to his apprentice a youth from the dales of Reed or Tyne, made common cause with those of Scotland, the allegiance of both to their proper country was much loosened; the dalesmen on either side seem to have considered themselves in many respects as a separate people, having interests of their own, distinct from, and often hostile to, that of the country to which they were nominal subjects. This gave rise to some singular features in their history.

In the first place, this indifference to the national cause rendered it the same thing to the Borderers whether they preyed upon the opposing frontier, or on their own countrymen. The men of Tynedale and Reedsdale, in particular, appear to have been more frequently tempted by the rich vales of the Bishoprick of Durham, and other districts which lay to the southward, than by the rude desolation of the Scottish hills. Their wild manners are thus described in the Chorographia, or Survey of Newcastle, first published in 1549.

"There is in many dales, the chief are Tinedale and Reedsdale, a countrey that William the Conquerour did not subdue, retaining to this day the ancient laws and customs, (according to the county of Kent) whereby the lands of the father is equally divided at his death amongst all his sonnes. These Highlanders are famous for thieving; they are all bred up and live by theft. They come down from these dales into the low countries, and carry away horses and cattell so cunningly, that it will be hard for any to get them or their cattell, except they be acquainted with some master thiefe, who for some mony (which they call saufey-mony) may help them to their stoln goods, or deceive them.

"There is many every yeare brought in of them into the goale

of Newcastle, and at the Assises are condemned and hanged, sometimes twenty or thirty. They forfeit not their lands, (according to the tenure in gavelkind) the father to bough, the sonne to the plough.

"The people of this countrey hath had one barbarous custome amongst them; if any two be displeased, they expect no lawe, but bang it out bravely, one and his kindred against the other and his; they will subject themselves to no justice, but in an inhumane and barbarous manner fight and kill one another; they run together in clangs (clans) as they terme it, or names.

"This fighting they call their feids, or deadly feides, a word so barbarous that I cannot express it in any other tongue. Of late, since the union of both kingdoms, this heathenesh bloody custom is repressed, and good laws made against such barbarous and unchristian misdemeanours and fightings."

The Scottish Borderers seem to have been, in all respects, as little amenable to the laws of their country, and as little disposed to respect the rights of their countrymen as the Dalesmen of Northumberland. Their depredations not only wasted the opposite frontier of England, but extended through the more civilized parts of Scotland, and even into Lothian itself; and it is singular enough, that a Scottish lord chancellor seems to have had no more effectual mode of taking vengeance on them than by writing a poem of exprobation.*

---

* See Maitland's Complaint against the Thieves of Liddesdale, in Pinkerton's Scottish Poems; and a copy, somewhat different, in The Minstrelsy of the Scottish Border, vol. I.

Of Liddesdale, the common thieves
Sae pertly steilis now and reives,

They entered readily into any of the schemes of the English Borderers, and we find them contributing their numbers to swell the army with which the unfortunate Earls of Westmoreland and Cumberland, in the twelfth year of Queen Elizabeth, as well as upon other occasions, when public commotion gave hope of plunder.* But their allegiance hung much more loosely about them than this would imply; for not only did they join the English Borderers in their exploits against the English government, but upon any turn of affairs which was favourable to the arms of England, they readily took assurance, as it is called, or allied themselves with that kingdom, and assisted them with their forces in laying waste their native country.

That nane may keep
Horse, nolt, or sheep,
Nor yet dare sleep
For their mischievis.
* * * * *
These thieves have well nigh harried hail
Ettricke-forest and Liddesdale;
Now they are gane
In Lothian
And sparis nane
That they will wale.

The poet enumerates the principal leaders of this banditti, each of whom, he says, had a *To-name*, a soubriquet, that is, or *nomme de guerre*, to distinguish him from others of the same clan. He mentions Will of the Laws, Hob of the Shaws, the Laird's Jock, John of the Syde, and other merry-men, whose fame is not yet quite forgotten on the Border.

* Sir Ralph Sadler writes to the Secretary Cecill, "My said servant told me, that the rebells ar abouts the nomber of 3^{m} (3000), whereof 7^{c} (700) horsemen, of the which I here say there be 4 or 5^{c} (4 or 500) of the thieves and outlawes of Tyndale, Riddesdale, and also of Tividale, both English and Scottish theves together, and the residue of the saide 3^{m} are footemen."

This was particularly the case with the Borderers who inhabited the *Debateable Land*, as it was called, a considerable portion of ground upon the west marches, the allegiance of whose inhabitants was claimed by both parties, and rendered to neither. They were outlawed to both nations, and readily made incursions upon either, as circumstances afforded the best prospect of plunder.* The inhabitants of Liddesdale, also comprehending the martial clans of Armstrong, Elliot, and others, were apt, on an emergency, to assume the red cross, and for the time became English subjects. They had indeed this to plead for their conduct, that the sovereigns of Scotland had repeatedly abandoned them to the vengeance of English retaliation, on account of hostilities against that country, which their own monarchs were unable to punish.† These clans, with the Rutherfords, Crossers, Turnbulls, and others, were the principal instruments

* The Debateable Land (a perpetual source of contention between the kingdoms) was a small tract of ground, inhabited by the most desperate outlaws of both nations, lying between the rivers Sark and Esk. In 1552, it was divided by commissioners of both nations, the upper or more western part being assigned to Scotland, and the lower portion to England, in all time coming.

† By a convention, dated at Berwick in the year 1528, it is declared lawful for the King of England to proceed by letters of marque, authorizing his wardens and other officers to proceed against the inhabitants of Liddesdale to their slaughter, burning, hership, robbing, reiving, despoiling, and destruction, till full redress was obtained of the wrongs conplained of. But it is provided, that the English shall not besiege the house or castle of Hermitage, or appropriate any part of Liddesdale, or accept of the homage of any of its inhabitants being Scotchmen by birth. The same singular mode of coercion was to be competent to the King of Scotland for the injuries committed by the clans of Leven, and inhabitants of the tract of country between the Crissep, the Liddell, and that stream. Each monarch might prevent this hostile mode of procedure against his subjects, by offered redress and satisfaction, by the 11th of January, 1748-9, or within forty days thereafter.—RYMER'S *Fœdera*, p. 276.

of the devastation committed in Scotland in the year 1445.* They expiated this fault, however, by another piece of treachery towards their English allies, when, seeing the day turn against them at Ancrum-moor, these assured Borderers, to the number of 700 men, suddenly flung away their red crosses, and, joining their countrymen, made great and pitiless slaughter among the flying invaders.

It followed, as another consequence of the relations which the Borderers held with each other, that, as they were but wavering in allegiance to their own country, so their hostilities upon the other, though constant and unremitted, were seldom marked by a sanguinary character. The very unremitted nature of the predatory war between them gradually introduced rules, by which it was modified and softened in its features. Their incursions were marked with the desire of spoil, rather than that of slaughter. Indeed, bloodshed was the rather avoided, as it uniformly demanded revenge, and occasioned a deadly feud between two clans; whereas the abstraction of property was only considered as a trivial provocation. As we have noticed the fury with which they revenged the former injury, we may here give an instance of the care which they took to avoid it. When the discomfited Earls of Northumberland and Westmoreland entered Liddesdale, after the dispersion of their forces in the twelfth of Queen Elizabeth, they were escorted by Black Ormiston, and other Borderers. Martin Elliot of the Preakin Tower, who was attached to the Regent Murray, raised his clan to intercept their passage; but when both parties had met, and dismounted from their horses to fight out their quarrel, Elliot said to Ormiston, "he would be sorry to enter

* See Appendix, No. IV.

into deadly feud with him by bloodshed, but he would charge him and the rest before the Regent for keeping of the rebels; and if he did not put them off the country the next day, he would do his worst against them;" and thus they parted on a sort of composition.* Patten, in describing the English Borderers, gives many insinuations that their hostilities against their Scottish neighbours were not of a resolved or desperate nature. They wore, he observes, handkerchiefs on their arms, and letters embroidered on their caps, which he hints enabled them to maintain a collusive correspondence with the Scottish, who bore similar cognizances. He said they might be sometimes observed speaking familiarly to the Scottish prickers, within less than spear's length; and when they saw themselves noticed, they began to charge each other, but so far from serious was their skirmish, that it rather resembled country-men playing at bar, or novices in a fencing-school. Lastly, he affirms that they attended much more to making prisoners than to fighting, so that few brought home less than one captive, and many six or seven. Their captains and gentlemen, this censor admits, are men of good service and approved prowess; but he seems to doubt the fidelity of the northern prickers who served under them.

Yet these men, who might thus be said to bear but dubious allegeance to their country, were, of all others, the most true of faith to whatever they had pledged their individual word. If it happened that any of them broke his troth, he who had sustained the wrong displayed, at the first public meeting upon the Borders, a glove on the point of a lance, and proclaimed him a perjured and mansworn traitor.

* Cabala.

This was accounted an insult to the whole clan to which the culprit belonged. If his crime was manifest, there were instances of his being put to death by his kinsmen; but if the accusation was unfounded, the stain upon the honour of the clan was accounted equal to the slaughter of one of its members, and, like that, could only be expiated by deadly feud. Under the terrors of this penalty, the degree of trust that might be reposed in the most desperate of the Border outlaws, is described by Robert Constable, in his account of an interview with the banished Earl of Westmoreland and his unfortunate followers. They desired to get back into England, but were unwilling to trust their fortune without sure guides. "I promised," said Constable, "to get them two guides that would not care to steale, and yet they would not bewray any man that trusts in them for all the gold in Scotland or France. They are my guides and outlaws; if they would betray me they might get their pardons, and cause me to be hanged, but I have tried them ere this."*

This strict observance of pledged faith tended much to soften the rigours of war; for when a Borderer made a prisoner, he esteemed it wholly unnecessary to lead him into actual captivity or confinement. He simply accepted his word to be a true prisoner, and named a time and place where he expected him to come to treat about his ransom. If they were able to agree, a term was usually assigned for the payment, and security given; if not, the prisoner surrendered himself to the discretion of his captor. But where the interest of both parties pointed so strongly towards the necessity of mutual accommodation, it rarely happened that they did not agree upon terms.

* Sadler's Letters, vol. II.

Thus, even in the encounters of these rude warriors on either side, the nations maintained the character of honour, courage, and generosity assigned to them by Froissart. "Englishmen on the one party, and Scotsmen on the other party, are good men of war; for when they met, there is a hard fight without sparing; there is no hoo (*i. e.* cessation for parley) between them, as long as spears, swords, axes, or daggers will endure; but they lay on each upon other, and when they be well beaten, and that the one party hath obtained the victory, they then glorify so in their deeds of arms, and are so joyful, that such as be taken they shall be ransomed ere they go out of the field; so that shortly each of them is so content with other, that at their departing courteously, they will say, 'God thank you.' But in fighting one with another, there is no play, nor sparing."*

Of the other qualities and habits of the Borderers we are much left to form our own conjectures. That they were a people of some accomplishment, fond of the legends of their own exploits, and of their own rude poetry and music, is proved by the remains still preserved of both. They were skilful antiquaries, according to Roger North, in whatever concerned their own bounds. Lesley gives them the praise of great and artful eloquence when reduced to plead for their lives; also that they were temperate in food and liquors, and rarely tasted those of an intoxicating quality. Their females caught the warlike spirit of the country, and appear often to have mingled in battle. Fair Maiden Lilliard, whose grave is still pointed out upon the field of battle at Ancram-moor, called, from her name, Lilliard's Edge, seems to have been a heroine of this descrip-

* Berner's Froissart, Edit. 1812. vol. II. p. 396.

tion. And Hollinshed records them at the conflict fought near Naworth, (A.D. 1570) between Leonard Dacres and Lord Hunsdon; the former had in his company "many desperate women, who there gave the adventure of their lives, and fought right stoutly." This is a change in the habits of the other sex which can only be produced by early and daily familiarity with scenes of hazard, blood, and death. The Borderers, however, merited the devoted attachment of their wives, if, as we learn, one principal use of the wealth they obtained by plunder was to bestow it in ornamenting the persons of their partners.

It may be easily supposed, that men living in so rude a state of society, had little religion, however well they might be stored with superstition. They never told their beads, according to Lesley, with such devotion as when they were setting out upon a marauding party, and expected a good booty as the recompense of their devotions. The various religious houses, which the piety or the superstition of an earlier age had founded in these provinces, gradually ceased to overawe, by their sanctity, the spirits of the invaders; and in the history of the mutual incursions of the two hostile nations, we read repeatedly of their being destroyed and laid waste. Thus the administration of religious rites became irregular and unusual in these wild districts. Of this negligence some traces still remain. The churches on the English border are scantily endowed, and many of them are ruinous. In some parishes there is no house for the incumbent to inhabit, and in others no church for divine service. But these are only the scars of ancient wounds; for in former times the condition of these countries, as to spiritual matters, was more extraordinary and lamentable. In the dales of Esk, Euse, and Liddell, there were no

churchmen for the ordinary celebration of the rites of the church. A monk from Melrose, called, from the porteous or breviary which he wore in his breast, a *book-a-bosom*, visited these forlorn regions once a-year, and solemnized marriages and baptisms. This is said to have given rise to a custom called by tradition, *hand-fasting*, by which a loving couple, too impatient to wait the tardy arrival of this priest, consented to live as man and wife in the interim. Each had the privilege, without loss of character, to draw back from the engagement, if, upon the arrival of the holy father, they did not think proper to legitimate their cohabitation according to the rites of the church. But the party retreating from the union was obliged to maintain the child, or children, if any had been the fruits of their union.

It would seem that the opposite valleys of Redesdale and Tynedale were better supplied with persons (such as they were) who took upon them the character of churchmen. There is extant a curious pastoral monition of Richard Fox, Bishop of Durham, dated sometime between the years 1490 and 1498, in which, after setting forth the various enormities of theft, robbery, rapine, and depredation committed by the dalesmen of the Reed and Tyne, and the neighbouring district, not only without shame and compunction, but as the ordinary and proper business of their lives, after stating that they were encouraged in these enormities by the king's officers of justice, and patronised either for kindred's or name's sake, or for the lucre of gain, by the powerful and noble of these districts, the prelate proceeds to describe a sort of ghostly comforters and abettors who were found among them, irregular and dissolute churchmen suspended from their holy office for misconduct, or lying under the sentence of excommunication, so ignorant of letters, that they

did not even understand the service of the church which they had recited for years, and with them laymen, never ordained, who yet took upon themselves the sacred character of the priesthood. These men, proceeds the monition, dressed in tattered, foul, and sordid vestments, not only unfit for the ministers of Heaven, but even for decent society among men, presume and take upon them, not only in hallowed and dedicated places, but in such as are profane, interdicted, unholy, and defaced by ruins, to administer the rites and sacraments of the church to the thieves, robbers, murderers, and depredators before mentioned, and that without exhorting them to restitution or repentance, expressly contrary to the rules of the church, and to the great danger of precious souls, and scandal of Christianity. The Bishop instructs his suffragans to direct against the robbers and their abettors, whether spiritual or temporal, his pastoral monition to restitution and repentance, to be followed by the thunders of excommunication in case it were contemned by the offenders. It would seem several of the Borderers had accordingly been excommunicated; for, by a rescript, dated at Norham Castle, 5th September, 1498, the same prelate releases from the spiritual sentence certain persons of the clans of Charleton, Robson, Tod, Hunter, and others, who had professed penitence for their misdeeds, and submitted, in all humility, to his paternal chastisement. The penance annexed to their release from spiritual censures was of a singular kind, but illustrates their ordinary costume and habits of life. They are required to renounce the use of the *jack* and head-piece, and to ride upon no horse which shall exceed, in ordinary estimation, the sum of six shillings and eight pence. Moreover, they are enjoined, when they shall enter any church, chapel,

or cemetery in the territory of Redesdale or Tynedale, to lay aside, upon their entrance, every offensive weapon exceeding one cubit in length, and to hold speech with no one while within these hallowed precincts, excepting the curate or ministering priest of the said church or chapel, all under penalty of the greater excommunication. Mr Surtees justly observes, that the reclaiming of these Borderers must be ascribed to the personal influence of this able and worthy prelate; but there is ample reason to believe that no radical cure was wrought either in freebooters at large, or in the manners of those irregular and uncanonical churchmen, who, attending them as Friar Tuck is said to have done upon Robin Hood, partook in their spoils, and mingled with the reliques of barbarism the rites and ceremonies of the Christian church.* The injunction of laying aside offensive weapons, and keeping silence in the church and its precincts, was to prevent the sacred place from becoming the scene of those bloody quarrels, which usually occurred whenever or wheresoever the members of clans, between which a deadly feud existed, chanced to meet together. How late the savage customs which rendered such regulations necessary, continued to last among the Northumbrians is evident from some passages in the Life of the truly pious and Christian teacher, Bernard Gilpin, who having a pastoral charge in these wild countries, in the reign of Queen Elizabeth, laboured unremittingly to soften and civilize the yet wilder manners of the inhabitants.

The biographer of this venerable man, after stating the fierce

† See the History of Durham, by Mr Surtees, p. lxii. Also the last edition of the Minstrelsy of the Scottish Border, where the record of the excommunication and release is printed at length, from the communication of that accurate and indefatigable antiquary.

usage of deadly feud which often engaged two clans in much bloodshed, on account of some accidental quarrel, proceeds thus: "It happened that a quarrel of this kind was on foot when Mr Gilpin was at Rothbury, in those parts. During the two or three first days of his preaching, the contending parties observed some decorum, and never appeared at church together; at length, however, they met. One party had been early at church, and just as Mr Gilpin began his sermon, the other entered. They stood not long silent. Inflamed at the sight of each other, they begin to clash their weapons, for they were all armed with javelins and swords, and mutually approach. Awed, however, by the sacredness of the place, the tumult in some degree ceased. Mr Gilpin proceeded, when again the combatants began to brandish their weapons and draw towards each other. As a fray seemed near, Mr Gilpin stepped from the pulpit, went between them, and addressed the leaders, put an end to the quarrel for the present, but could not effect an entire reconciliation. They promised him, however, that, till the sermon was over, they would make no more disturbance. He then went again into the pulpit, and spent the rest of the time in endeavouring to make them ashamed of what they had done. His behaviour and discourse affected them so much, that at his farther entreaty, they promised to forbear all acts of hostility while he continued in the country. And so much respected was he among them, that whosoever was in fear of his enemy, used to resort where Mr Gilpin was, esteeming his presence the best protection.

"One Sunday morning, coming to a church in those parts before the people were assembled, he observed a glove hanging up, and was informed by the sexton that it was meant as a challenge to any one

that should take it down. Mr Gilpin ordered the sexton to reach it him; but upon his utterly refusing to touch it, he took it down himself, and put it in his breast. When the people were assembled, he went into the pulpit, and before he concluded his sermon, took occasion to rebuke them severely for these inhuman challenges. 'I hear,' said he, 'that one among you hath hanged up a glove even in this sacred place, threatening to fight any one who taketh it down; see, I have taken it down;' and pulling out the glove, he held it up to the congregation, and then showed them how unsuitable such savage practices were to the profession of Christianity, using such persuasives to mutual love, as he thought would most affect them."*

The venerable preacher had his reward, for even the freebooter who stole his horses, returned them as soon as he understood to whom they belonged, not doubting that the foul fiend would have carried him off bodily, had he wilfully injured Bernard Gilpin. But it was long ere the effects of the northern apostle's precepts brought forth in that rude country fruits meet for repentance.

Leaving the manners of the Borderers, it is now proper to notice the measures of policy adopted for exercising, in some sort, the royal authority in districts which so many circumstances combined to render lawless; and that whether for the protection of each nation against the aggressions of the other during peace, or for repelling more open invasion during the time of war, or for regulating the conduct and appeasing the feuds of the inhabitants amongst themselves.

---

* Life of Bernard Gilpin, 1753, p. 178.

As every thing was military upon the Borders, those important duties were intrusted to officers of high rank, holding special commissions from the crown of either country, and entitled wardens, or guardians of the marches. There were sometimes two, sometimes three in number on each side, for the division of the Borders into east, west, and middle marches, did not prevent the middle marches being occasionally put under the charge of the same warden who governed those on the east or west. The kings of Scotland, compelled by circumstances to yield to the great nobles and powerful chiefs whatever boons they chose to exact of them, usually deposited the charge of warden with some nobleman or chieftain who possessed great personal weight and influence in the districts submitted to his jurisdiction. It is needless to point out the impolicy of this conduct, since the chiefs thus invested with high powers and jurisdiction were often the private encouragers of those disorders which it was their business, as wardens, to have suppressed, and hence their authority was only used to oppress their private enemies, while they connived at the misconduct of their own clansmen and allies. But this was the effect of the weakness, rather than of the blindness, of the Scottish sovereigns. Even the timid Albany, regent during the minority of James V., saw the evil, and endeavoured to secure impartial administration of justice on the frontiers, by naming a gallant French knight, Anthony D'Arcy Sieur De La Bastie, to the wardenry of the east marches. But the family of Home being incensed to see the office conferred on a stranger which they were wont to consider as proper to the head of their own house, in defiance of the royal authority, Home of Wedderburn assailed and murdered the warden, cut off his head, knitted it to the saddle-bow by the long locks, and after-

wards exposed it upon the battlements of Home Castle. The issue of this experiment was not therefore such as to recommend its repetition. Accordingly, the names of the barons who for the time possessed most influence on the Border, are usually found in the Scottish commissions. The Earls of Douglas almost always added this title to the other marks of their extensive power. The Earls of Angus frequently exercised the authority of warden of one or other division of the marches, and could often excite mutiny and disorder when the rival house of Arran, or any other, was intruded into an office which they held peculiarly their own right. At a later period, the Earls of Home, or Lords of Cessford, were usually wardens of the east march; Earls of Bothwell, or the Lords of Buccleuch and Fairniherst, of the middle, which usually, though not uniformly, comprehended the separate office of keeper of Liddesdale; and the rival families of Maxwell and Johnstone, or the Lords Herries, were wardens of the west march. Yet even when the truncheon of warden was consigned to a baron of extensive power and following on the frontiers, he seems to have thought that the royal commission, added to his own natural authority, was insufficient to overawe the turbulent Borderers, and bonds of alliance and submission were, in many cases, procured from the principal chiefs, agreeing to respect and enforce the royal authority in the person of the warden;* an expedient which only serves to prove how feeble was the influence

* See a copy of such a bond, granted by Buccleuch and other barons, in support of the authority of Fairnihirst as warden of the middle marches, Appendix, No. VII. Also a complaint of Fairnihirst to the queen against certain persons of the clan of Turnbull, who, in breach of a similar engagement, had assaulted and wounded his men. The mode of redress in such cases was by procedure before the lords of the privy council.

of the crown, and which implied in it this evil, that the chiefs who thus voluntarily agreed to support the imperfect authority of the warden, expected that it should not be over strictly exerted against those under their immediate protection. Neither was it less precarious than impolitic, for such bonds were, among men of a fiery and jealous disposition, apt to be broken through on the slightest occasion.

It was another, and yet more dangerous consequence of lodging the office of warden in the hands of the Border chieftains, that they appear, without any scruple, to have employed it less for the preservation of the public peace, than for inflicting vengeance upon their own private enemies. If the warden was engaged in deadly feud or private war with the chief of another name, he failed not to display against him the royal banner, and to proceed against him as a rebel to the crown, a conduct for which pretexts were seldom wanting. Thus, in the year 1593, Lord Maxwell, then warden of the west marches, assembled the whole strength of that part of the Border, marched against the Lord of Johnstone, and entered Annandale, with displayed banner as the king's lieutenant, with the purpose of utterly erazing and ruining that clan, which had so long rivalled his own in courage and enterprise, if not in numbers and power. The Johnstones, by the assistance of their allies the Scotts, and other friendly clans, gave the Maxwells a severe defeat, in which the warden was struck from his horse, mutilated of his hand, and then slain. And although the king took it hardly, according to Spottiswoode, that his warden, a nobleman bearing his authority, should be thus cut off, yet he found himself unable, in the circumstances of the country, to exact any vengeance for the insult. This is a remark-

able instance, among many, of the warden's using the royal name to serve his own private purpose, and of the slight respect in which his authority was held upon such occasions.

The Scottish wardens were allowed by the crown forage and provisions for their retinue, which consisted of a guard of horsemen, by whom they were constantly attended; these were levied from the royal domains on the Borders. They had also a proportion of the "unlaws," or fines and forfeits imposed in their warden courts, and, no doubt, had other modes of converting their authority to their own advantage, besides the opportunities their situation afforded them of extending their power and influence. The abodes of the Scottish wardens were generally their own castles on the frontiers, such as we have described them to be; and the large trees, which are still to be seen in the neighbourhood of these baronial strongholds, served for the ready execution of justice or revenge on such malefactors as they chose to doom to death. There is, or was, a very large ash-tree near the ruins of Cessford Castle, said, by tradition, to have been often used for this purpose.

Until the English monarchy acquired some degree of power and consistency, the northern nobles usually, as in the sister country, extorted from the crown the office of wardenry, which was then held by the potent Earls of Northumberland and Westmoreland, the Lords Clifford, Dacre, and other chiefs of power on the Border. But from the reign of Henry VIII. downward, and more especially after most of the great Northumbrian families were destroyed in the great northern insurrection of 1569-70, a different line of policy was observed. Instead of conferring commissions of wardenry on the great Border families, whose wealth, extensive influence, and remote situ-

ation, already rendered them but too independent of the crown, those offices were bestowed upon men of political and military skill, such as Sir Ralph Sadler, Sir James Crofts, Sir Robert Carey, and others, the immediate dependants of the sovereign himself, who, supported by liberal allowances from the treasury, and by considerable bodies of regular troops,* were not afraid, if the discharge of their office called for it, to give offence even to the most powerful of the provincial nobility.†

For their residence, the warden of the east marches appears often to have resided at Alnwick, although Norham Castle, once belonging to the Bishops of Durham, afterwards to the crown, is recommended both by Lord Wharton and Sir Ralph Sadler‡ as the fittest place for his abode. But the office of warden of the east marches being frequently united with the government of Berwick, that most important frontier town was often the warden's place of abode. Upon the middle marches, the Castle of Harbottell, originally the seat of the Umfravilles, and afterwards, by marriage, that of the Tailbois, being vested in the crown by forfeiture, was judged a commodious and suitable residence for the warden. The government of

* From a memorial concerning Border service, in the papers of Sir Ralph Sadler, it appears that the allowance of the captain-general of Berwick was twenty shillings per day, and the pay of the captains, soldiers, and others of the garrison in ordinary, amounted to L. 2,400; and when extraordinary forces were stationed there, to more than twice that sum. The warden of the east marches, with his personal attendance of fifteen gentlemen, was allowed L. 16 : 16 : 8 for his weekly charges, and all allowances to inferior officers were upon the same scale.—SADLER'S *State Papers*, Vol. II. p. 276.

† See Sadler's State Papers, Vol. II. p. 97, concerning disputes betwixt him and the Earl of Northumberland.

‡ See Border Laws, p. 344, and Sadler, Vol. II. p. 283.

Carlisle being usually combined with the wardenry of the western marches of England, the strong castle of that town furnished the warden with a suitable residence. Lord Scroope of Bolton, who held both these important offices long, resided there, and made considerable additions to the fortifications without, and accommodations within the castle. But Lord William Howard occupied his baronial castle of Naworth when he had the same commissions.

To ensure a general superintendance of these important offices, a lord-warden-general was sometimes nominated; but this office became less necessary, because, in time of war, there was usually a lieutenant appointed for the management of all military affairs, and during peace the general affairs of the Borders fell under the cognizance of the Lord President of the Council of the North.

The wardens had under them deputy-wardens, and warden-serjeants, (popularly called land-serjeants) upon whose address and activity the quiet of the country much depended. The captains of the various royal garrisons also received orders from them; and the keeper of Tynedale, an unruly district, which required a coercive magistracy of its own, was under the command of the warden of the middle marches.

The duties committed to the charge of the wardens were of a twofold nature, as they regarded the maintenance of law and good order amongst the inhabitants of their jurisdiction themselves, and as they concerned the exterior relations betwixt them and the opposite frontier.

In the first capacity, besides their power of controul and ministerial administration, both as head-stewards of all the crown tenements and manors within their jurisdiction, and as intromitting with

all fines and penalties, their judicial authority was very extensive. They held courts for punishment of high-treason and felony, which the English Border laws classed under the following heads:—I. The aiding and abetting any Scottishman, by communing, appointment, or otherwise, to rob, burn, or steal, within the realm of England. II. The accompanying, personally, any Scottishman, while perpetrating such offences. III. The harbouring, concealing, or affording guidance and protection to him after the fact. IV. The supplying Scottishmen with arms and artillery, as jacks, splents, brigantines, coats of plate, bills, halberds, battle-axes, bows and arrows, spears, darts, guns, as serpentines, half-haggs, harquibusses, currys, cullivers, hand-guns, or daggers, without special license of the lord-warden. V. The selling of bread and corn of any kind, or of dressed leather, iron, or other appurtenances belonging to armour, without special license. VI. The selling of horses, mares, nags, or geldings to Scottishmen, without license as aforesaid. VII. The breach of truce, by killing or assaulting subjects and liege-men of Scotland. VIII. The assaulting any Scottishman having a regular pass or safe-conduct. IX. In time of war the giving tidings to the Scottish of any exploit intended against them by the warden or his officers. X. The conveying coined money, silver or gold, also plate or bullion, into Scotland, above the value of forty shillings at one time. XI. The betraying (in time of war) the counsel of any other Englishman tending to the annoyance of Scotland, in malice to the party, and for his own private advantage. XII. The forging the coin of the realm. XIII. The making appointment and holding communication with Scotchmen, or intermarrying with a Scottish woman, without license of the wardens, and the raising no fray against them

as in duty bound. XIV. The receiving of Scottish pilgrims with their property without license of the wardens. XV. The failing to keep the watches appointed for defence of the country. XVI. The neglecting to raise in arms to the fray, or alarm raised by the wardens or watches upon the approach of public danger. XVII. The receiving and harbouring Scottish fugitives exiled from their own country for misdemeanours. XVIII. The having falsely and unjustly *fould* (*i. e.* found true and relevant) the bill of any Scotchman against an Englishman, or the having borne false witness on such matters. XIX. The having interrupted or stopped any Englishman pursuing for recovering of his stolen goods. XX. The dismissing any Scottish offender taken red-hand (*i. e.* in the manner) without special license of the lord-warden. XXI. The paying of black-mail, or protection money, whether to English or Scottish man.

All these were points of indictment in the warden courts; and the number and nature of the prohibitions they imply shew the anxiety of the English government to prevent all intercourse, as far as possible, between the natives of the two kingdoms. Most of these offences, if not all, amounted to march-treason. The accused persons were tried by a jury, and, if found guilty, suffered death by decapitation; but with the marauders of either country, the wardens used much less ceremony, and hanged them frequently, and in great numbers, without any process of law whatsoever. This was a very ordinary consummation, if we can believe a story told of Lord William Howard of Naworth. While busied deeply with his studies, he was suddenly disturbed by an officer who came to ask his commands concerning the disposal of several moss-troopers who had been just made prisoners. Displeased at the interruption, the warden answer-

ed heedlessly and angrily, "Hang them, in the devil's name;" but, when he laid aside his book, his surprise was not little, and his regret considerable, to find that his orders had been literally fulfilled.

The Scottish wardens do not appear to have held warden-courts, doubtless, because the territorial jurisdictions of sheriffdoms, stewartries, baillaries, and so forth, which belonged to the great families by hereditary right, and the privileges of which they jealously watched, would have been narrowed by their doing so. Besides, the Scottish hereditary judges possessed the dangerous and inconvenient power of *repledging*, as their law terms it, that is, reclaiming any accused person from courts of a co-ordinate jurisdiction, to try him by their feudal authority. It is true, the judge exercising this privilege was obliged to give security for doing justice in the premises himself; but whether his object was that of acquittal, or condemnation, his situation gave him easy means of accomplishing either without much risk of challenge. But if the Scottish wardens were more slow to hold formal courts than the English, they were not behind them in the summary execution of those offenders whom they seized upon. The ordinary proverb of Jedburgh Justice, where men were said to be hanged first, and tried afterwards, appears to have taken its rise from these hasty proceedings.*

The pleasure of hunting these outlaws to their fastnesses was, to

---

* There is a similar English proverb concerning Lydford:—

> I oft have heard of Lydford law,
> Where in the morn men hang and draw,
> And sit in judgment after.
>
> BROWN'S *Poems*.

some of the warlike barons who held the office of warden, its own best reward. Godscroft says it was so peculiarly suited to the disposition of Archibald, the IXth Earl of Angus, that it might be called his proper element. He used to profess that he had as much delight in hunting a thief as others in chasing a hare; and that it was as natural to him as any other pastime or exercise was to another man. Yet the chase of this Border Nimrod (whose game was man) was by no means uniformly successful; and he was foiled on many occasions by the impracticability of the country, and the cunning of the outlaws who harboured in it.*

---

* "He made only one road against the outlawed thieues of the name of Armestrang (most of them) after the king was gone home, who had been present at the casting down of their houses. He pursued them into the Tarrass Moss, which was one of their greatest strengths, and whither no host or companies had ever been known to have followed them before, and in which they did confide much, because of the straightness of the ground. He used great diligence and sufficient industry, but the success was not answerable either to his desire or other men's expectation. Neither did he forget to keep his intention close and secret, acquainting none of the people of that country therewithall, until he was ready to march. Then directing one Jordan, of Applegirth, to go to the other side, whither he knew they behoved to flee, he sent with him one of his especiall followers, whom he knew to be well affected to the service, to see that he did his duty. He himself, with the army, came openly and directly to the place of their abode, that they, fleeing from him, might fall into the hands of Applegirth, and his companie, who were come in sufficient good time, before the army could be seen to that passage which they were sent to keep. But the birds were all flown, and there was nothing left but the empty nest, having (no question) had some inkling and intelligence hereof; but it could not be tried by whom the notice had been given them. In the retreat they shew themselves, and rode about to intercept and catch such as might happen incircumspectly to straggle from the army; and they failed very narrowly to have attrapped William Douglas of Ively, a young gentleman of my lord's family, for which incircumspection he was soundly chide by him, as having thereby hazarded his own person, and his lord's honour."—GODSCROFT's *History of the House of Douglas*, folio, Edin. p. 430.

The Border marauders had every motive to exert their faculties for the purpose of escape; for, once seized upon, their doom was sharp and short. The mode of punishment was either by hanging, or drowning.* The next tree, or the deepest pool of the nearest stream, was indifferently used on these occasions. Many moss-troopers are said to have been drowned in a deep eddy of the Jed near Jedburgh. And, in fine, the little ceremony used on these occasions added another feature to the reckless and careless character of the Borderers, who were thus accustomed to part with life with as little form as civilized men change their garments.

The wardens had it also in their power to determine many civil questions concerning the right of property violently usurped by oppression, or recovered from the hands of marauders. The mode of application seems to have been by petition. Thus, the complaint of Isabel Wetherel to Sadler, when warden of the middle marches, sets forth, that she had been found entitled to possession of a certain tenement in Bassenden, by order of the Earl of Northumberland, the former warden, and that the bailiff of the liberty still refused to execute the warrant in her favour. Another "poor oratrix," the Widow Fenwick, states in her supplication, that besides certain persons for-

* Drowning is a very old mode of punishment in Scotland; and in Galloway there were pits of great depth appropriated to that punishment, still called murder-holes, out of which human bones have occasionally been taken in great quantities. This points out the proper interpretation of the right of pit and gallows, (in law Latin, *fossa et furca*) which has, less probably, been supposed the right of imprisoning in the pit or dungeon, and that of hanging. But the meanest baron possessed the right of imprisonment. The real meaning is, the right of inflicting death either by hanging or drowning.

merly named, she now charges some of her neighbours of the town of Wooler, whom before she had been afraid to accuse, with stealing her three cows, and prays relief in the premises. Again, John of Gilrie states, that he had made a bargain with William Archer for twenty bolls of barley, at a certain price; that Archer had only delivered ten of the said bolls, and had arrested the petitioner's horses in payment thereof, instead of implementing his bargain by delivery of the remainder. All these petitions pray for letters of charge to be directed by the warden against the parties complained upon, for answer or redress. They serve to show the complicated and mixed nature of the warden's jurisdiction, which thus seems to have admitted civil suits of a very trifling kind.

But the principal part of the warden's duty respected his transactions in the opposite kingdom in the time both of war and peace. During the time of war, he was captain-general within his wardenry, with full power to call out musters of all the fencible men betwixt the age of sixteen and sixty, duly armed and mounted according to their rank and condition, for defending the territory, or, if necessary, for invading that of the enemy. He directed, or led in person, all hostile enterprizes against the enemy's country; and it was his duty, upon such occasions, to cause to be observed the ancient rules and customs of the marches, which may be thus summed up.

I. Intercourse with the enemy was prohibited. II. He who left his company during the time of the expedition was liable to the punishment of a traitor. III. It was appointed that all should alight and fight on foot, except those commanded by the general to act as cavalry; he who remained on horseback, without such orders, forfeited his spoil and prisoners, two parts to the king, and one to the

general. IV. No man was to disturb those appointed to array the host. V. If a soldier followed the chase on a horse belonging to his comrade, the owner of the horse enjoyed half the booty; and if he fled upon such horse, it was to be delivered to the sheriff as a waif on his return home, under pain of treason. VI. He that left the host after victory, though for the purpose of securing his prisoner, lost his ransom. If any one slew another's prisoner he was liable to pay his ransom; or, in failure of his ability to do so, was sentenced to death. In general, it was found to be the use of the Marches that every man might take as many prisoners as he could secure, exchanging tokens with them that they might afterwards know each other. VII. Any one accused of seizing his comrade's prisoner was obliged to find security in the hands of the warden-serjeant. Disputed prisoners were to be placed in the hands of the warden; and the party found ultimately wrong to be amerced in a fine of ten pounds. VIII. Relates to the evidence in the case of such dispute. He who could bring his own countrymen in evidence, of whatsoever quality, was preferred as the true captor; failing of this mode of proof, recourse was had to the prisoner's oath. IX. No prisoner of such rank as to lead an hundred men was either to be dismissed upon security or ransomed, for the space of fifteen days, without leave of the warden. X. He who dismounted a prisoner was entitled to half of his ransom. XI. Whosoever detected a traitor was entitled to the reward of one hundred shillings; whoever aided his escape, suffered the pain of death. XII. Relates to the firing of the beacons in Scotland; the stewards of Annandale and Kirkcudbright were liable in the fine of one merk for each default in that matter. XIII. He who did not join the array of the country upon the signal

of the beacon-lights, or who left it during the continuance of the English invasion without lawful excuse, his goods were forfeited, and his person placed at the warden's will. XIV. In case of any Englishman being taken within Scotland, he was not suffered to depart under any safe conduct save that of the king or warden; and a similar protection was necessary to enable him to return and treat of his ransom. If this was neglected, he became the prisoner of whatever Scotchman happened to seize him. XV. Any Scottishman dismissing his prisoner, when a host was collected either to enter England or defend against invasion, was punished as a traitor. XVI. In the partition of spoil, two portions were allowed to each bowman. XVII. Whoever deserted his commander and comrades, and abode not in the field to the uttermost, his goods were forfeited, and his person liable to the punishment of a traitor. XVIII. Whoever bereft his comrade of horse, spoil, or prisoner, was liable in the pains of treason, if he did not make restitution after the right of property became known to him.

These military regulations were arranged by William Earl of Douglas, by the advice of the most experienced marchmen, in the year 1468.* But it appears that they were adopted by the English

* The exordium of these regulations is remarkable. It runs thus:—" Be it remembered, that on the 18th day of December, 1468, Earl William Douglas assembled the whole lords, freeholders, and eldest Borderers that best knowledge had, at the College of Linclouden, and there he caused those lords and Borderers bodily to be sworn, the holy Gospel touched, that they justly and truly, after their cunning, should decrete, decern, deliver, and put in order and writing, the statutes, ordinances, and uses of marche that were ordained in Black Archibald of Douglas' days, and Archibald his son's days, in time of warfare; and they came again to him advisedly with these statutes and ordinances which were in time of warfare before. The said Earl William seeing the sta-

with the necessary alterations, for a copy of them is found in the Manuscript of Mr Bell, the accurate and laborious warden-clerk of the western marches of England, in the reign of Queen Elizabeth. At least, they are so well suited to the genius of the country and age, that there can be no doubt that they express the general spirit of the military enactments on both sides of the Border.

We must not omit to state, that as the wardens of the marches had it in charge to conduct the war between the countries, so they had also power of concluding truces with the opposite warden for their own jurisdictions. Such an indenture, entered into between "the noble lords and mighty," Henry Percy, Earl of Northumberland, and Archibald Douglas, Lord of Galloway, at the water of Esk, beside Solway, on the 15th March, 1323-4, not only concludes a truce between their bounds on each side, but declares, "That if any great power of either country shall prepare to invade the other, each of the said lords shall do what they can to hinder it; and if they cannot prevent it, they shall give the other party fifteen days notice, and shall themselves abstain from riding with the host, and shall do all in their power, without fraud or guile, to keep the aggressors out of their bounds. Intimation of the rupture of the truce was to be given by a certain term, at the Chapel of Salom, or Solway. All

---

tutes in writing decreed and delivered by the said lords and Borderers, thought them right speedful and profitable to the Borderers; the which statutes, ordinances, and points of warfare he took, and the whole lords and Borderers he caused bodily to be sworn that they should maintain and supply him at their goodly power, to do the law upon those that should break the statutes underwritten. Also the said Earl William, and lords and eldest Borderers, made certain points to be treason in time of warfare to be used, which were no treason before his time, but to be treason in his time, and in all time coming."

prisoners on either side were to be freely delivered. If any single freebooter committed theft in breach of the covenant, he was to be hanged or beheaded; if a company were concerned in the delict, one should be put to death, and the others amerced in double the value of their spoil." This indenture rather resembles a treaty between two independent princes, than an agreement between the crown officers of the west marches of England and Scotland. Something, doubtless, is to be ascribed to the great power of the Percy and the Douglas, who could, unquestionably, make their authority go much farther than chieftains of less weight could have done, though holding the same ostensible commission. Still, however, the powers of the wardens in waging war, or concluding truces, were of an extensive and unlimited nature.

In time of peace, the warden had the more delicate task of at the same time maintaining the amicable relations betwixt the two countries, and of preventing or retaliating the various grievances and encroachments committed by the Borderers of the opposite kingdom upon the frontiers under his rule.

The most constant, and almost unremitted subject of complaint, was the continual incursions of the moss-troopers upon both sides. This species of injury early required the redress of inter-national laws or customs. For example, although the right of the native of the invaded country to protect his property against the robber could not be denied, and although it was equally his inherent privilege to pursue the marauders with such force as he could assemble, and recover the plunder if he could overtake them within the bounds of the kingdom which they had invaded, yet it was a question of national law, how far he was entitled to continue pursuit in an hostile man-

ner into the territory of the sister country, and there to recover his property by force. At the same time, it was not to be expected that the intervention of a small river, or of an imaginary line, should be a protection for the robbers and their booty, against the just resentment of the party injured, while in the very act of hot pursuit. The Border Laws, therefore, allowed the party plundered not only to follow his goods upon the spur, and enter the opposite kingdom for recovery thereof, without licence or safe conduct, but even to do the like, at any time within six days after his sustaining the injury, providing always he went straight to some honest man of good fame inhabiting the Marches which he had thus entered, and declared to him the cause of his coming, inviting him to attend him and witness his conduct. The wardens of either realm, or those duly authorised by them, were entitled to pursue fugitives or offenders into the precincts of the neighbouring realm, by what was called the *hot-trod*. This pursuit was maintained with a lighted piece of turf carried on a spear, with hue and cry, bugle-horn, and blood-hound, that all might be aware of the purpose of the party. If any native of the country thus entered intercepted the party or their blood-hound in such *hot-trod*, he was liable to be billed, or indicted at the next day of truce, and delivered up to the warden whom he had offended. It was, however, recommended to the pursuers of the *hot-trod* to stop at the nearest town of the realm whose frontiers they had thus passed, and give declaration of the purpose of the chase, and require the inhabitants to go along to witness his procedure. If the pursuers did unlawful damage within the opposite realm, they were liable to be delivered to the warden thereof for condign punishment.

But these provisions were only calculated to remedy such evils as befel *de recenti*, since to have sought reparation at their own hand and by their own strength for such as were of older date, would have made the Borders a constant scene of uproar, retaliation, and bloodshed. Some course of justice, therefore, was to be fallen upon, by which justice might be done to those who had sustained wrong from the depredators of the opposite country, by means more regular and less hazardous than the ready measures of forcible retaliation.

The first regulations laid down on this subject were conformable to the ideas of that military age, which referred all matters difficult of instant proof, to the judgment of God in single combat. Eleven knights of Northumberland, and as many of the Scottish east marches, with the Sheriff of Northumberland on the one side, and of Roxburgh and Berwick on the other, met in the 33d of Henry III. anno 1249. These martial formalists made some regulations for recovery of debts due by those of the one kingdom to the other, and for the re-delivery of fugitive bondsmen.* But they unanimously declared that every Scottishman accused of having committed any crime in England, of which he could offer to purge himself by the combat, could only be summoned to answer at fixed places on the marches. Also, that all persons, of whatever rank or degree, dwelling between Totness in Cornwall, and Caithness in Scotland, might be appealed to battle on the marches, excepting only the sovereign, and the Bishops of St Andrews and Dunkeld.† Goods alleged to be

* It is the Scottish copy of Indenture which exists. That of England must have been *mutatis mutandis*.

† Churchmen of corresponding dignity in England must have been unquestionably admitted to the same privilege.

stolen from England might be sued for by the owner in the court of the Scottish lord within whose bounds they were discovered; but if the accused party denied the charge, there was no other alternative but the combat. Yet, if the accused did not feel bold in his innocence, or determined in his denial, he might quit himself of the charge, without the risk of combat, in the following singular manner. He was to bring the stolen ox, horse, cow, or other animal, to the brink of the river Tweed or Eske, where they form the frontier line, and drive it into the stream. If the animal escaped alive to the other kingdom, he had no further trouble in the matter; but if it was drowned before it reached the middle stream, then he was condemned liable to the plaintiff for its estimable value. Lastly, these experienced men of war decreed, by a sweeping clause, that no inhabitant of either kingdom could prove his property in any goods actually possessed by an inhabitant of the other, unless by the *body of a man*, that is, by entering the lists either personally, or by a delegated champion.

Every dispute between the inhabitants, on either side, was, therefore, decided by personal duel, and even churchmen were bound to combat by proxy. The clergy of England numbered this among the grievances which they reported to the legate Otho, in the year 1237. They state, that by an abuse of a mandate of the kings of England and Scotland, not only simple clerks, but even abbots and priors within the diocese of Carlisle, were, on the challenge of any one of the kingdom of Scotland, compelled to undertake, with lance and sword, and otherwise armed, the combat, which was called *aera*,*

* *Aera*, or *aerea*, a word of uncertain meaning; and, so far as I know, only occurring

to be fought on the frontiers of the two kingdoms; so that the abbot or prior, of whatsoever order, was obliged to have a champion, and, in case of his defeat, was subjected to the penalty of one overcome in the appeal to God, as in our own time, continues the remonstrance, was experienced by the Prior of Lideley.*

When priests were not excused, the combats among the laity must have been very numerous. But in later times, the appeal to combat was less universally admitted, and the state of confusion and depredation on the Borders increasing, as we have observed, after the usurpation of Scotland by Edward I., rendered it necessary to seek for other modes of checking theft than that by which the true man was compelled to expose his life in combat with the robber. It became, therefore, a principal part of the warden's duty, when that duty was conscientiously performed, during the time of peace to maintain a regular and friendly intercourse with those on the opposite side, both for preventing and punishing all disorders committed by the lawless on either territory. But besides these communications, it was a principal point of their commission, that the wardens on either side should hold days of truce, or of march, as frequently as could be made convenient, in which, with great solemnity, they enquired into and remedied the offences complained of by the subjects of either realm.

The wardens, on these occasions, took the field attended by the

---

in this sense in the present passage. It may allude to the area or inclosed space within which the combatants fought. *Aerea*, and *area*, are explained by Du Cange and in the Supplement, as synonimous, and as meaning an inclosed space, neither cultivated nor ploughed. The circular inclosure near Penrith, called King Arthur's Round Table, was probably an area of this kind.

* *Annales Burtonenses*, apud Gale, vol. I. p. 292.

lords, knights, esquires, and men of name within their jurisdictions, all in their best arms, and well mounted. The two troops paused on the frontiers of both kingdoms, until they had exchanged assurance for observing and keeping the peace from sunrise to sunset. The two wardens then met in great form, mutually embraced each other, and, surrounded by those of the best rank in their Marches, they proceeded to examine the *bills*, or complaints, tendered on either side. If the persons accused were judged guilty, the bills were said to be *filed*, or *fouled*;* if the complaint was dismissed, the bill was said to be *cleansed*. Where doubt occurred, the question of cleansing or fouling a bill was tried either by the honour of the wardens, or by a jury of six English and six Scottish gentlemen,† mutually chosen, or by a vower-public, that is, a referee belonging to the country of the party accused, and mutually chosen by the plaintiff and the defendant. In some cases, the accused was permitted to exculpate himself by oath, which, terrible as its denunciations were, did not always prevent perjury.‡ In like manner, the plaintiff, or

---

* See the form of a bill fouled on William Hall, an English Borderer, at a warden meeting between the Earl of Northumberland, the Earl of Bothwell, and Lord of Cessford, 10th October, 1559, Appendix, No. VIII.

† The jurors took the following oath: "You shall clean no bills worthy to be fouled, you shall foul no bills worthy to be cleaned, but shall do that what appeareth with truth, for the maintenance of the peace, and suppressing of attempts. So help you God."—*M.S. of* Mr Bell, *Warden Clerk, quoted in Introduction to* Nicolson's *History of Cumberland and Westmoreland.*

‡ The following were the terms of this oath for excusing a bill, as it was termed:—"You shall swear by heaven above you, hell beneath you, by your part of paradise, by all that God made in six days and seven nights, and by God himself, you are whart out sackless of art, part, way, witting, ridd, kenning, having, or recetting of any of the goods and cattels named in this bill. So help you God."—Bell's *Manuscript, as above.*

party who preferred the bill, was bound to make oath to the estimated value of his goods.* Perjury, in such cases, was punished by imprisonment and infamy; and if the plaintiff over-rated the goods he had lost, the amount might be taxed by a jury of both nations.

With respect to the offenders against whom bills were presented, it was the duty of the warden to have them in custody, in readiness for their answer; and in case the bills were fouled, he was bound to deliver them up to the opposite warden, by whom they were imprisoned until they had paid a *single and two doubles*, that is to say, treble the value of the estimated goods in the bill. To produce these offenders was generally the most difficult part of the warden's duty. He could not keep them in confinement until the day of truce; for, independently that they were sometimes persons of power and rank, their numbers were too great to be detained in custody. The wardens, therefore, usually took bonds from the chief, kinsmen, or allies of the accused party, binding him or them to enter him prisoner within the iron gate of the warden's castle, or else to make him forthcoming when called for.† He against whom a bill was thrice fouled, was liable to the penalty of death. If the offender endeavoured to rescue himself after being lawfully delivered over to the opposite warden, he was liable to the punishment of death, or otherwise, at the warden's pleasure, as being guilty of a breach of the assurance.

---

* The oath of estimation was as follows: "You shall leile price make, and truth say, what your goods were worth at the time of their taking, to have been bought and sold in a market all at one time, and that you know no other recovery but this. So help you God."—*Ibid.*

† See such an obligation, Appendix, No. IX.

The extent of the mutual damage sustained by both kingdoms being thus ascertained, a list, in the form of an account-current, was made up by enumerating all the bills fouled on each side, and the value was summed by striking a balance against the country whose depredators had been most active.* It seems probable the extremity of the legal satisfaction was seldom exacted or obtained. The resentment of the depredators and of their kinsmen was dreaded; the common usage took away the natural abhorrence of the crime; plunder was a privilege which each party assumed in their turn; and as it often happened that the same person against whom a bill was fouled for one fact, had himself been a sufferer, and was a plaintiff in a charge preferred against others,† it is probable that some extra-judicial settlement often took the matter out of the warden court. Nay, it frequently happened, when enormities had gone to great extent during any particular time of misrule, that a veil was dropped over the past, and satisfaction exacted from neither party. At other times, when the crowns were determined strictly to maintain the relations of amity with each other, the course of justice was more severely enforced. Men of high rank, the chiefs of clans, and others responsible, by their situation and authority, for the conduct of those under them, were sometimes delivered up to be kept in ward in the opposite kingdom until the misdeeds of their deputies

* See such an account-current in the Appendix, No. X.

† For example, in the List of Attempts, No. X. of the Appendix, several bills are fouled on the Laird of Mangertoun, chief of the Armstrongs; and he, in return, obtains several bills to be fouled upon English Borderers for similar devastations.

Hanc veniam damus petimusque vicissim.

and dependents were atoned for by payment of the valuation and fines. But it does not appear that the wardens could proceed to attach these persons on their simple authority. Their delivery seems to have followed in consequence of an agreement to that purpose, by special commissioners, vested with full powers from both crowns. To such commissioners also belonged the power of making new laws and enactments on the Border, the wardens being limited by the existing rules of march.

Besides depredations by robbery on each side, the wardens, at their days of truce, were wont to demand and receive satisfaction for other encroachments, such as sowing or pasturing by the natives of one kingdom within the territories of the other, offences subject to be fouled by bill, and punished by mulct, and the more frequent invasion for the purpose of cutting wood in the forests of the opposite frontier, or hunting, hawking, and disporting in the same without license asked or received. These encroachments, which will remind the reader of Chevy Chace, often gave rise to scuffles, and even to bloodshed.*

---

* Such an event was prevented by the prudence of Sir Robert Carey. "The next summer after, I fell into a cumbersome trouble, but it was not in the nature of thieves or malefactors. There had been an ancient custom of the Borderers, when they were at quiet, for the opposite Border to send to the warden of the middle march to desire leave that they might come into the Borders of England and hunt with their greyhounds for deer towards the end of summer, which was never denied them. But towards the end of Sir John Foster's government, when he grew very old and weak, they took boldness on them, and without leave asking, would come into England, and hunt at their pleasure, and stay their own time; and when they were a-hunting, their servants would come with carts, and cut down as much wood as every one thought would serve his turn, and carry it away to their houses in Scotland. Sir John's imbecillity and weakness occasioned them to continue this misdemeanour some four or five years together, before he

When the business of the meeting was over, the wardens retired, after taking a courteous leave of each other; and it was a custom of

---

left his office. And after my Lord Euers had the office, he was so vexed and troubled with the disorders of the country, as all the time he remained there, he had no leisure to think of so small a business, and to redress it; so that now they began to hold it lawful to come and go at their pleasures without leave asking. The first summer I entered, they did the like. The Armstrongs kept me so on work that I had no time to redress it; but having over-mastered them, and the whole march being brought to a good stay and quietness, the beginning of next summer, I wrote to Ferniherst, the warden over against me, to desire him to acquaint the gentlemen of his march, that I was no way unwilling to hinder them of their accustomed sports to hunt in England as they ever had done, but withal I would not by my default dishonour the queen and myself, to give them more liberty than was fitting. I prayed him, therefore, to let them know, that if they would, according to the ancient custom, send to me for leave, they should have all the contentment I could give them; if otherwise they would continue their wonted course, I would do my best to hinder them.

"Notwithstanding this letter, within a month after, they came and hunted as they used to do without leave, and cut down wood, and carried it away. I wrote again to the warden, and plainly told him, I would not suffer one other affront, but if they came again without leave they should dearly *aby** it. For all this they would not be warned; but, towards the end of the summer they came again to their wonted sports. I had taken order to have present word brought me, which was done. I sent my two deputies with all the speed they could make, and they took along with them such gentlemen as were in their way, with my forty horse, and about one of the clock they came up to them, and set upon them; some hurt was done; but I gave especial orders they should do as little hurt, and shed as little blood, as possibly they could. They observed my command, only they broke all their carts, and took a dozen of the principal gentlemen that were there, and brought them to me at Withrington, where I then lay. I made them welcome, and gave them the best entertainment that I could. They lay in the castle two or three days, and so I sent them home, they assuring me, that they never would hunt there again without leave, which they did truly perform all the time I stayed there; and I many times met them myself, and hunted with them two or three days; and so we continued good neighbours ever after: but the king complained to the queen very grievously of this fact. The queen and council liked very well of what I had done; but, to give the king some satisfaction to content him, my two officers were commanded to the Bishop of

---

* Suffer for it.

the march, that, before dismissing the gentlemen who attended them, each warden demanded of the most respectable and experienced Borderers, their opinion of the business of the day, and requested them to say whether the rules of the march had been observed, and justice equally distributed.

When these days of march-truce were held regularly, and justice punctually administered, the Borders were comparatively but little disturbed; and the wardens on both sides were usually instructed, from their several courts, not to insist too particularly on points of mere form or of difficult discussion, but to leave them for discussion by special commissioners.

But although these regulations were perhaps as wise as the case admitted, yet the union of the opposite wardens, so necessary to preserve the peace of the frontier, was always of precarious duration. They were soldiers by profession, of hostile countries, jealous at once of their own honour and that of their nation, surrounded by warlike partizans and dependants, who animated every disagreement into a quarrel, and must therefore, on the whole, have preferred taking satisfaction for any insult at their own hand, and by their own force, than seeking it in a more peaceful manner from the opposite warden.

Sir Robert Carey gives us a singular picture of their conduct towards each other. Being deputy-warden of the east marches, he sent to Sir Robert Kerr of Cessford, the opposite Scottish warden, to ap-

---

Durham's, there to remain prisoners during her majesty's pleasure. Within a fortnight I had them out again, and there was no more of this business. The rest of the time I stayed there, it was governed with great quietness."—CAREY'S *Memoirs*. Edit. 1808, p. 110.

point a meeting for regulation of the Border affairs. But Cessford apparently wished to anticipate one part of the affairs to be discussed. Having therefore received Carey's messenger, filled him with drink and put him to bed, he mounted his horse, entered England with an armed attendance, seized a Borderer against whom he alleged some cause of quarrel, and put him to death at his own door. After this exploit, he delivered a civil answer to Sir Robert Carey's servant, agreeing to the proposed interview. It was now the turn of the English warden to be offended; he neglected the appointment without notice to Cessford, leaving him to wait several hours at the place of meeting. The Borderers began to stir on both sides, and raids were made out of Scotland so often as three or four times a-week. The severe measures of Sir Robert Carey, who executed all thieves taken in the manner, or red-hand as it was called, in some degree checked these inroads. At length a noted depredator, called Geordie Bourne, a special favourite of the Lord of Cessford, fell into his hands. The gentlemen of the country entreated him to enter into terms with Sir Robert Kerr for sparing this man's life; but, having visited him in disguise, and learned his habits from his own mouth, Carey resolved that no conditions should save him, and caused him to be executed accordingly before the gates of the castle.*

* "When all things were quiet," says Sir Robert Carey, "and the watch set at night, after supper, about ten of the clock, I took one of my men's liveries, and put it about me, and took two other of my servants with me in their liveries, and we three, as the warden's men, came to the provost-marshal's where Bourne was, and were let into his chamber. We sat down by him, and told him that we were desirous to see him, because we heard he was stout and valiant, and true to his friend, and that we were sorry our master could not be moved to save his life. He voluntarily of himself said, that he had lived long enough to do so many villanies as he had done, and withal told us, that he had lain with

In revenge of the death of this man, Sir Robert Kerr very nearly surprised a party of Carey's servants at Norham, who must have been cut to pieces, had they not, by their master's command, slept that night in the castle. The dissention between these two officers continued, until, upon such an occasion as we have noticed, p. cix, Cessfurd, along with the Lord of Buccleuch, was appointed to be delivered into England, when, with that sort of generous confidence which qualified the ferocity of the Border character, he chose his enemy, Sir Robert Carey, for his guardian; after which they lived on the most amicable terms with each other.*

---

about forty men's wives, what in England what in Scotland; and that he had killed seven Englishmen with his own hands, cruelly murdering them; that he had spent his whole time in whoring, drinking, stealing, and taking deep revenge for slight offences." —*Memoirs*, p. 73.

* Such tracts are like a glimpse of sunshine amid the lowering of a storm. Carey relates the circumstances which led to these agreements in the pithy style of Queen Elizabeth's time. "There had been commissioners in Berwick chosen by our Queen and the King of Scots, for the better quieting of the Borders. By their industry they found a great number of malefactors guilty, both in England and Scotland; and they took order that the officers of Scotland should deliver such offenders as were found guilty in their jurisdictions, to the opposite officers in England, to be detained prisoners, till they had made satisfaction for the goods they had taken out of England. The like order was taken with the wardens of England, and days prefixed for the delivery of them all. And in case any of the officers on either side should omit their dutys in not delivering the prisoners at the days and places appointed, that then there should a course be taken by the sovereigns, that what chief officer soever should offend herein, he himself should be delivered and detained, till he had made good what the commissioners had agreed upon.

"The English officers did punctually, at the day and place, deliver their prisoners, and so did most of the officers of Scotland; only the Lord Bocleugh and Sir Robert Car were faulty. They were complained of, and new days appointed for the delivery of their prisoners. Bocleugh was the first that should deliver, and he failing, entered himself prisoner into Berwick, there to remain till those officers under his charge were delivered to free him. He chose for his guardian Sir William Selby, master of the

Even the meetings of truce, appointed for the settlement of grievances betwixt the wardens, were very often converted into scenes of battle and bloodshed. Each warden, being themselves such fiery and martial characters as we have described, came to the place of meeting, attended by his guard of horsemen, and by all the warlike clans of his district, completely armed. Among these must often have been many names betwixt whom deadly feud existed; and, if

---

ordnance of Berwick. When Sir Robert Car's day of delivery came, he failed too, and my Lord Hume, by the king's command, was to deliver him prisoner into Berwick upon the like terms, which was performed. Sir Robert Car, contrary to all men's expectations, chose me for his guardian, and home I brought him to my own house after he was delivered to me. I lodged him as well as I could, and took order for his diet, and men to attend on him; and sent him word, that (although by his harsh carriage towards me ever since I had that charge, he could not expect any favour, yet) hearing so much goodness of him, that he never broke his word, if he would give me his hand and credit to be a true prisoner, he should have no guard set upon him, but have free liberty for his friends in Scotland to have ingress and regress to him as oft as he pleased. He took this very kindly at my hands, accepted of my offer, and sent me thanks.

"Some four days passed; all which time his friends came unto him, and he kept his chamber. Then he sent to me and desired me I would come and speak with him, which I did; and after long discourse, charging and recharging one another with wrong and injuries, at last before our parting, we became good friends, with great protestations on his side, never to give me occasion of unkindness again. After our reconciliation, he kept his chamber no longer, but dined and supped with me. I took him abroad with me, at the least thrice a week, a-hunting, and every day we grew better friends. Bocleugh, in a few days after, had his pledges delivered, and was set at liberty; but Sir Carr could not get his, so that I was commanded to carry him to York, and there to deliver him prisoner to the archbishop, which accordingly I did. At our parting, he professed great love unto me for the kind usage I had shown him, and that I should find the effects of it upon his delivery, which he hoped would be shortly.

"Thus we parted; and not long after his pledges were got and brought to York, and he set at liberty. After his return home, I found him as good as his word. We met oft at days of truce, and I had as good justice as I could desire; and so we continued very kind and good friends all the time I stayed in that march, which was not long."—CAREY'S *Memoirs*. Edit. 1808, p. 80.

they had no peculiar cause of animosity, their nations were habitually hostile, and it was the interest of the Borderers to exasperate that national animosity. Add to this, that the principal depredators being present, with their friends and allies, they had every motive to instigate any brawl which could interrupt the course of justice. It was, therefore, often in vain, that all men at these days of truce were discharged from *baughling* (brawling) or reproving with the subjects of the opposite realm, or from disturbing the assurance of peace, by word, deed, or countenance. Where there were so many combustible materials,the slightest spark served to kindle a conflagration.

Accordingly, repeated instances occur of such affrays happening, in which much gentle blood, and frequently that of the wardens themselves, stained the days appointed for the administration of Border justice. Thus, in the year 1511, Sir Robert Kerr of Cessford, warden of the middle marches, while at a march-meeting, was struck through with a lance by the bastard Heron, and dispatched by Starked and Lilburn, two English Borderers; a slaughter, which, amongst other causes of quarrel, gave ground to the war between England and Scotland, terminated by the fatal battle of Flodden.

On a subsequent occasion, when Sir Francis Russell, third son of the second Earl of Bedford, chanced to be slain, the Scots appear to have been aggressors in their turns. Camden gives the following account of a fray which took place in the year 1585:—

"For when Sir John Foster, and Thomas Carre of Fernihurst, wardens of the middle marches betwixt the two kingdoms of England and Scotland, had appointed a meeting on the 27th of June, about certain goods unjustly taken away, and security was given on both sides by oath, according to custom, and proclamation made,

that no man should *harm other, by word, deed, or look,* (as the Borderers speak,) the Scots came to the place of meeting armed in battle array, with ensigns displayed, and drums beating, contrary to custom and beyond expectation, being in number about three thousand, whereas the English were not above three hundred. Scarce were the wardens sat to hear the complaints, when on a sudden, upon an Englishman's being taken pilfering, there arose a tumult, and the Scots discharging a volley of shot, slew Russel, with some others, put the English to flight, and eagerly pursuing them the space of four miles into England, carried off some prisoners. Who was the author of this slaughter was not certainly known. The English laid the fault upon Arran, now chancellor of Scotland, and upon Fernihurst. The queen pressed, both by her letters and commissioners, to have the murderers delivered into her hands, inasmuch as Henry IV., King of England, had formerly delivered up into the hands of James IV., King of Scots, William Heron and seven Englishmen, for killing Robert Carre of Cessford upon a day of meeting; and Morton, the late regent, sent Carmichael, a Scot, into England for killing George Heron. The king protested his own innocency in the matter, and promised to send, not only Fernihurst immediately into England, but the chancellor too, if they could be convicted by clear and lawful proofs to have premeditately infringed the security, or procured the murder. Fenwick, an Englishman, accused Fernihurst of the fact to his face; he avoided it by a flat denial, because the other could produce no Scottishman for a witness. For in these trials on the Borders, according to a certain privilege and custom agreed on amongst the Borderers, none but a Scot is to be admitted for a witness against a Scot, and none but an Englishman against an Eng-

lishman; insomuch, that if all the Englishmen which were upon the place had seen the murder committed before their eyes, yet their testimony had been of no value, unless some Scottishman also did witness the same. Nevertheless, Arran was confined to his house, and Fernihurst was committed to custody at Dundee, where afterwards he died: a stout and able warrior, ready for any great attempts and undertakings, and of an immoveable fidelity to the Queen of Scots, and the king her son; having been once or twice turned out of all his lands and fortunes, and banished the sight of his country and children, which yet he endured patiently, and, after so many crosses falling upon him together, perished unshaken and always like himself."*

One of the latest of these affrays has been described with some lively colouring in the rude rhymes of an old Scottish minstrel. The place of meeting was the Reidswair, a spot on the very ridge of a bleak and waste tract of mountains, called the Carter-fells, which divide England from Scotland. The Scottish clans of the middle marches arrived in arms and in attendance upon Sir John Carmichael of Carmichael; and, from the opposite side, the Borderers of Tynedale and Redesdale advanced, with "jack and spear and bended bows," with Sir John Forster, the English warden. Yet the meeting began in mirth and good neighbourhood; and while the wardens proceeded to the business of the day, the armed Borderers of either party engaged in sports, and played at cards or dice, or loitered around the moor. The merchants, or pedlars, erected their temporary booths,

* Camden's Annalls at the year 1585, in Kennet's History of England, vol. II. p. 505.

and displayed their wares, and the whole had the appearance of a peaceful holiday or rural fair. In the midst of this good humour, the wardens were observed to raise their voices in angry altercation. A bill had been *fouled* upon one Farnstein, an English Borderer, who, according to custom and law of march, ought to have been delivered up to the Scots. The excuses made by Sir John Forster did not satisfy the Scottish warden, who taxed him with partiality. At this the English warden, rising suddenly, and drawing up his person so as to have the full advantage of all his height, contemptuously desired Carmichael to match himself with his equals in birth and quality. These signs of resentment were sufficient hints to the Tynedale Borderers, who immediately shot off a flight of arrows among the Scots. The war-cry and slogan of the different clans then rose on either side; and these ready warriors, immediately starting to their weapons, fought it out manfully. By the opportune arrival of the citizens of Jedburgh, armed with fire-arms, the Scots obtained the victory; Sir George Heron of Chipchase, and some other Englishmen of rank, being slain on the spot, and Sir John Forster himself, with others of his retinue, made prisoners. This affray gave great offence to Elizabeth; and the Regent Morton, stooping before her displeasure, sent Carmichael to answer for his conduct at the court of England, where, however, he was not long detained.

Besides the duties of annoying the hostile frontiers in war, and maintaining amicable relations with them in time of peace, there was a sort of mixed obligation on the wardens, of a nature somewhat delicate; they were expected to avail themselves of their proper strength

to retaliate such offences as they could not obtain reparation for from the opposite warden, or contentedly sit down under, without compromising their own honour and that of their country. This mode of compensating injuries by retaliation always added considerably to the discords and inroads upon the Borders, and licensed for the time the enterprises of the most desperate marauders. One or two instances of the manner in which the wardens acted on such occasions, and of the circumstances which gave rise to their appearing in arms, will complete our account of the duties of these guardians of the frontiers.

The Debateable Land (before its final division) was a constant subject of dissension between the opposite wardens of the west marches. To require satisfaction from the English for the inroads of the Borderers inhabiting this tract, or to render satisfaction to them for what the people of the Debateable Land had suffered from the Scottish in return, would have been to acknowledge the district to be a part of England. Lord Maxwell, therefore, in 1550, declared his intention of marching against the men of the Debateable Land, not as Englishmen, but as Scottish rebels, and laying waste their possessions. Lord Dacre, the opposite warden, acted with equal spirit and prudence. He drew out the forces of his march upon the verge of the acknowledged possessions of England, thus affording countenance, but no active assistance, to the men of the Debateable ground. These, a fierce and untractable set of people, chiefly of the clans of Armstrong and Græme, seeing themselves well supported, *pricked* or skirmished with Lord Maxwell on his entering their district, and took one or two of his followers, by which repulse, backed

by the good countenance shewn by the English warden, the expedition of Lord Maxwell was disconcerted. This brief campaign is mentioned in King Edward IVth's Journal.*

Numerous occasions took place, when the warden, on either or both sides, resenting some real or supposed denial of justice, endeavoured to right themselves by *riding*, as it was termed, that is, making incursions on the opposite country. This was at no time more common than in the year 1596, when a singular incident gave rise to a succession of these aggressions, and well nigh occasioned a war between the kingdoms.

In the year 1596, there was a meeting on the borders of Liddesdale betwixt the deputies of the Lord Scroope of Bolton, warden of the west marches, and the Lord of Buccleuch, keeper of Liddesdale. When the business of the day was over, and the meeting broken up, the English chanced to observe a Scottish Borderer, of the clan of Armstrong, called Willie of Kinmont, celebrated for his depredations. He had been in attendance, like other Border riders, upon the Scottish officer, and was now returning home on the north side of the river Liddle. Although he was on Scottish ground, and that the assurance of truce ought to have protected him, the temptation to seize an offender so obnoxious was too great to be resisted. A large body of English horsemen crossed the river, pursued and took him, and lodged him in Carlisle Castle. As Lord Scroope refused to

* "August 16, 1549. The Earl of Maxwell came down to the North Border with a good power to overthrow the Gremes, who were a certain family that were yielded to me; but the Lord Dacre stood before his face with a good band of men, and so put him from his purpose; and the gentlemen called Gremes skirmished with the said earl, slaying certain of his men."

give Kinmont up, although thus unwarrantably taken prisoner, Buccleuch resolved to set him at liberty by force, and, with a small body of determined followers, he surprised the Castle of Carlisle, and without doing any injury to the garrison, or to the warden, carried off the prisoner. This spirited action was so much admired by the Scottish nation, that even King James, however much afraid of displeasing Elizabeth, and though urged by her with the most violent complaints and threats, hesitated to deliver up the warden who had so well sustained the dignity of his office and the immunities of the kingdom. But this act of reprisal gave rise to many others. Sir Thomas Musgrave rode into Scotland, and made spoil like an ordinary Borderer; and Henry Widdrington laid waste and burned Cavers, belonging to the Sheriff of Teviotdale. Buccleuch's life was said to be the aim of these marauders, and, as it was alleged, with the privity of the Queen of England.* On the other hand, the Lords of Buccleuch and Cessford vexed the English Border by constant and severe incursions, so that nothing was heard of but burning, *hership* (devastation,) and slaughter. In Tynedale, Buccleuch seized upon no less than thirty-six English freebooters, and put them to death without mercy. The wrath of Elizabeth waxed uncontroulable.† "I

* Rymer's Fœdera, vol. XVI. pp. 307, 308.

† Her instructions to her ambassador, Sir William Bowes, mark at once the state of the marches and the extremity of her majesty's displeasure. They occur in Rymer's Fœdera, vol. XIV. p. 112.

"ELIZABETH R.

"Trusty and welbeloved, We greet you well.

"When you departed, we delivered you our full pleasure how you should, upon your arryval at Carlile, and how you should address yourself to the king upon his approach to the Borders, or upon any difficulties occurring in the treaties, since which time we

marvel," are her own royal expressions, "how the king thinks me so base minded as to sit down with such dishonourable treatment. Let him know we will be satisfied, or else".—— Some of James's ancestors would have bid her

Choke in thy threat. We can say *or* as loud.

But James judged it more safe to pacify her by surrendering his of-

---

have received from our wardens nothing but frequent advertisements, both from the east and middle marches, especially how daily they are spoyled and burned by the incursions from the opposite borders; and for more open shewe of injury, Buklugh himself, the king's officer, hath been a fresh ringleader of the same, whereby appeareth how little likelihood there is that such wardens will restrayne their inferiors, or the king himselfe reforme any thing, seing he doth not only tollerat but cherish them, since they were found most faultie, and hath, in lieu of punishment, given some of them newe favors, and left us neglected in the eye of the world, with frutelesse promisses of satisfaction; by expectation whereof our people fynde themselves abandoned to utter ruine and miserie.

"You shall therefor repair to the king, and, by the means of our ambassador, require speedy access, at which time you may plainly declare unto him the generalities above mentioned; and you shall also furnish yourself with an abstract of all the mayne wronges newly done us, and deliver to the king how much it troubleth us to be requyted with nothing but continuall frutes of spoyles and injuries, where we have ever sown continuall care and kyndness; and if it may be deemed that we do less value the estate of those poor creatures who are more remote from us, than of others who daily are in compasse of our eye, surely they shall be deceived; for in our care for their preservation, (over whom God hath constituted us equally the only head and ruler) wee never do admit any inequality or difference of care, either for point of justice to be administered by ourselves, or satisfaction to be procured from them that any way oppress them.

"But we do see that tyme spends on to their loss, that our people are vexed, our commissioners are tyred, and our selve delayed; an therefor we require you, seeing all promises are so little observed, and all references to conventions so partially conducted, to let the king know that we cannot deny the just and pitifull appeals which our dear people make for protection and redress, but will enable them to make these unruly rabble of outlawes and ra know and feel that they shall taste of a sourer neighbourhood than

ficers to England, (page cxiv) where, however, they were not long detained.

It was not, therefore, until the union of the crowns, that any material alteration took place in the manner or customs of the Borders. Upon that great event, the forces of both countries acting with more uniform good understanding, as now the servants of the same master, suppressed every disorder of consequence. The most intractable Borderers were formed into a body of troops, which Buccleuch conducted to the Belgick wars. The Border counties were disarmed, excepting such weapons as were retained by gentlemen of rank and repute.* And the moss-troopers, who continued to exercise their

---

they have done of late, seeing they do nothing but insult upon our toleration of many injuries, whilst we are apt (out of respect to the king only) to quietness."

* Amongst other articles agreed upon betwixt the English and Scottish commissioners for the final pacification of the Borders, 9th April, 1605, after recommending that all deadly feuds should be put to agreement, or those who refused to acquiesce should be detained prisoners, that heavy mulcts and penalties should be inflicted on such Scottishmen and English as broke the peace by any act of violence, and that robbers from either country should be punished with death, there is a clause of the following tenor: "Also, it is agreed that proclamation shall be made, that all inhabiting within Tindale and Riddesdale in Northumberland, Bewcastledale, Wilgavey, the north part of Gilsland, Esk and Leven in Cumberland, East and West Tevidale, Liddesdale, Eskdale, Ewsdale, and Annerdale in Scotland, (saving noblemen and gentlemen unsuspected of felony or theft, and not being of broken clans,) and their household servants dwelling within those several places before recited, shall put away all armour and weapons, as well offensive as defensive, as jacks, spears, lances, swords, daggers, steelcaps, hagbuts, pistols, plate sleeves, and such like; and shall not keep any horse, gelding, or mare, above the price of 50*s.* sterling, or 30*l.* Scots, upon like pain of imprisonment.

"*Item*, That proclamation be made, that none of what calling soever, within the countries lately called the Borders, of either of the kingdoms, shall wear, carry, or bear any pistols, hagbuts, or guns of any sort, but in his majesty's service, upon pain of imprisonment, according to the laws of either kingdom."

former profession, experienced in great numbers the unsparing and severe justice of the Earl of Dunbar.

But though the evil was remedied for the present, the root remained ready to sprout upon the least encouragement. In the civil wars of Charles I., the Borderers resumed their licentious habits, particularly after the war had been transferred to Scotland, and the exploits of the moss-troopers flourish in the diaries and military reports of the time.* In the reign of Charles II. we learn their existence still endured, by the statutes directed against them.† And it is said that

* In a letter from Cromwell's head-quarters, Edinburgh, October 16, 1650, the exploits of the Borderers in their old profession are alluded to. "My last told you of a letter to be sent to Colonels Kerr and Straughan from hence. Satturday the 26, the commissary-general dispatcht away a trumpet with that letter, as also gave another to the Sheriff of Cumberland, to be speeded away to M. John Scot, bailiff, and B. brother to the Lord of Buccliew, for his demanding restitution upon his tenants, the moss-troopers, for the horses by them stolne the night we quartered in their country, since which, promises hath been made of restitution, and we doubt not to receive it very suddenly, or else to take satisfaction another way ourselves." In the accounts of Monk's campaigns, given in the News Letter of the time, there is frequent mention of the moss-troopers.

† The 13th and 14th Charles II., ch. 3,—18th Charles II., ch. 3 and 29, and 30th Charles II. ch. 1., all proceed upon similar preambles, stating, in substance,—"Whereas a great number of lewd, disorderly, and lawless persons, being thieves and robbers, who are commonly called *moss-troopers*, have successively, for many and sundry years last past, been bred, resided in, and frequented the Borders of the two respective counties of Northumberland and Cumberland, and the most adjacent parts of Scotland; and they, taking the opportunity of the large waste ground, heaths, and mosses, and the many intricate and dangerous ways and by-paths in those parts, do usually, after the most notorious crimes committed by them, escape over from the one kingdom to the other respectively, and so avoid the hand of justice, in regard the offences done and perpetrated in the one kingdom cannot be punished in the other.

"And whereas, since the time of the late unhappy distractions, such offences and offenders as aforesaid have exceedingly more increased and abounded; and the several inhabitants of the said respective counties have been, for divers years last past, necessitated, at their own free and voluntary charge, to maintain several parties of horse for the

non-conforming presbyterian preachers were the first who brought this rude generation to any sense of the benefits of religion.* How-

---

necessary defence of their persons, families, and goods, and for bringing the offenders to justice." Upon this preamble follow orders for assessing the inhabitants of these disturbed counties in the sums necessary to pay sufficient bands of men for protection of the inhabitants. These acts are still in force.

* This appears from a curious passage in the Life of Richard Cameron, who gave name to the sect of Cameronians. "After he was licensed, they sent him at first to preach in Annandale. He said, How could he go there? He knew not what sort of people they were. But Mr Welch said, Go your way, Ritchie, and set the fire of hell to their tails. He went, and the first day he preached upon that text, *How shall I put thee among the children*, &c. In the application he said, Put you among the children! the offspring of robbers and thieves. Many have heard of Annandale thieves.—Some of them got a merciful cast that day, and told it afterwards, that it was the first field-meeting that ever they attended; and that they went out of curiosity to see how a minister could preach in a tent, and people sit on the ground."—HARRIES' *Scottish Worthies*, p. 361.

Cleland also, the poet of the sect of Cameronians, takes credit for the same conversion, and puts the following verses into the mouth of a prelatist haranguing the Highlanders, and warning them against the inconvenient strictness of the presbyterian preachers:—

If their doctrine there get rooting,
Then farewell theift, the best of booting,
And this ye see is very clear,
Dayly experience makes it appear;
For instance, lately on the Borders,
Where there was nought but theft and murders,
Rapine, cheating, and resetting,
Slight-of-hand—fortunes getting;
Their designation, as ye ken,
Was all along, the *Tacking Men*.
Now rebels more prevails with words,
Then drawgoons does with guns and swords,
So that their bare preaching now,
Makes the rush-bush keep the cow
Better than Scots or English kings
Could do by kilting them with strings;

ever this may be, there seems little doubt that, until the union of the crowns, the manners of these districts retained a tincture of their former rudeness, and would have relapsed, had occasion offered, into their former ferocity. Since that fortunate æra, all that concerns the military habits, customs, and manners of what were once the frontier counties, fall under the province into which these details may serve to introduce the reader—the study, namely, of BORDER ANTIQUITIES.

Yea, those that were the greatest rogues,
Follows them over hills and bogues,
Crying for mercy and for preaching,
For they'll now hear no others teaching.

CLELAND'S *Poems*, 1697, p. 30.

APPENDIX.

APPENDIX.—No. I.

Testament of Sir Walter Scott of Branxholme and Buccleuch, Chief of the name of Scott, dated Nov. 18, 1574.

[The powerful chief, whose last testament is here published, made a very great figure during the troubles of Queen Mary's reign, and was able to raise above three thousand men within his own district.* Yet the enumeration of his wealth shews, that, as asserted in the Introduction, the principal revenues of a Border chief depended entirely upon the quantity of stock which he was able to put upon his lands.]

THE testament testamentar and inventar of the gudis geir soumes of money and dettis pertening to vmquhile Walter Scot of Branxholme knycht the tyme of his deceis quha deceist in the moneth of Aprile the yheir of God I^m^V^c^Lxxiiij yheiris ffaithfullie maid and gevin vp be his awne mouth vpoun the ellevint day of Aprile the yheir of God foirsaid befoir thir witnessis Doctor Prestoun Adam Diksoun ypothecar Johne Carmichaell of that ilk Walter Scot of Gordelandis Walter Scot of Tuschelaw and Johne Watsoun with vtheris diuerse.

* Sadler's State Papers, vol. II. p. 384.

In the first the said vmquhile Walter had the gudis geir soumes of money and dettis of the avale and prices efter following pertening to him the tyme of his deceis viz vpoun the ground and landis of Bellandene in pasturing with George Nicoll nyne new calfit ky with thair followaris price of the pece ourheid five pundis Summa xlv *L*—Item twa ky with calf price of the pece foure pund x *s* Summa ix *L*—Item foure forow ky price of the pece foure *L* Summa xvj *L*—Item thrie yheild ky price of the pece foure pundis Summa xij *L*—Item nyne stottis and queyis of tua yheir auldis price of the pece ourheid xl *s* Summa xviij *L*—Item mair in pasturing with the said George tua forow ky with tua stirkis and ane bull price of the tua forow ky and stirkis tuelf pundis and price of the bull five pund Summa xvij *L*—Item vpon the grund and landis of Bukcleuch in pasturing with Symon Nicoll sex tua yheir auld stottis price of the pece xl *s* Summa xij *L*—Item in pasturing with James Scott in Newwark ane bull price thairof five *L*—Item vpon the landis of Catslak in pasturing with Rolland Wilsoun tua ky with thair calfis price of the pece five pund Summa x *L*—Item five ky with calf price of the pece ourheid foure *L* x *s* Summa xxij *L* x *s*—Item thrie forrow ky price of the pece foure *L* x *s* Summa xiij *L* x *s*—Item ane yheild kow price tharof foure *L* x *s*—Item foure queyis price of the pece ourheid fifty *s* Summa x *L*—Item tua stottis price of the pece xl *s* Summa iiij *L*—Item vpon the grund and landis of Blakgrane in pasturing with James Scheill foure new calfit ky price of the pece iiij *L* x *s* Summa xviij *L*—Item thrie stottis and ane quy price of the pece xl *s* Summa viij *L*—Item tua forrow ky price of the pece iiij *L* x *s* Summa ix *L*—Item ane yheild kow price thairof iiij *L* x *s*—Item tua yheir auld stirkis price of thame baith foure *L*—Item thrie tua yheir auld quyis price of the pece xl *s* Summa vj *L*—Item ane bull price thairof five pund—Item mair in pasturing with James Scot in New Wark ane forrow kow price thairof iiij *L* x *s*—Item ane yheir auld stot price thairof xx*s* —Item tua stottis of tua yheir auldis price of the pece xl *s* Summa iiij *L*—Item in pasturing with Johne Martene in Baxholme toun ten yhoung queyes price of the pece ourheid thrie *L* Summa

xxx *L*—Item aucht oxin price of the pece sex *L* Summa xlviij *L*—Item thrie ane yheir auld stottis price of the pece xx *s* Summa thrie pundis—Item in pasturing in the Brwmeknow sevintene drawand oxin price of the pece aucht pund Summa I°xxxvj *L*—Item vpoune the Manis of Quhytlaw nyne drawand oxin price of the pece aucht pundis Summa Lxxij *L*—Item vpoune the landis of Bellenden in pasturage with George Nicoll auchtene scoir and sextene outcummit hoggis price of the scoir xj *L* Summa I°L xxxxv *L* and xvj *s*—Item pasturing vpoune the landis of Bukcleuch with Symon Nicoll auchtene scoir and sevin outcumint hoggis price of the scoir xj *L* Summa ij°ij *L* xvij *s*—Item in pasturing with William Nicoll in Bukcleuch auchtene scoir and fyftene outcumint hoggis price of the scoir ten pundis Summa I°L xxxvij *L* x *s*—Item vpoune the landis of Blakgrane in pasturing with James Scheill tuentie foure [scoir] mylk yhowis with thair lambes price of the scoir ourheid xxj *L* Summa v° and foure *L*—Item five scoir and ten kebbis price of the scoir ourheid xvj *L* Summa L xxxviij *L*—Item tuentie scoir tua dynmonthis and tupes price of the scoir ourheid xiiij *L* Summa ij° L xxxj *L* viij *s*—Item fyftene scoir and tua outcumit hoggis price of the scoir xj *L* Summa I°L xvj *L* ij *s*—Item vpoune the landis of Catslak in pasturing with Rolland Wilsoun tuentie foure scoir yhowis with their lambes at thair feit price of the scoir xxj *L* Summa V°iiij *L*—Item xxxiij yheild yhowis price of the pece xvj *s* Summa xxvj *L* viij *s*—Item xxvj tupes price of the pece xvj *s* Summa xx *L* xvj *s*—Item mair tua dynmont scheip price of thame xxij *s*—Item vpoune the landis of Glenpyot in pasturing with James Brewhouse fourtene scoir and xvij gymmeris quharof thair is xl gymmeris hes lambes price of the scoir with the lambes xviij *L* price of the scoir without lambes xv *L* Summa ij°xxviij *L* xv *s*—Item ellevin scoir and ten outcumint hoggis price of the scoir xj *L* Summa I°xxxij *L*—Item in pasturing in New Wark five tupes price of the pece xv *s* Summa iij *L* xv *s*—Item the said vmquhile Walter had the tyme of his deceis in his girnals of Hassindane the haill teindis of Hassindane and Kaverse collectit be James Scott and of the crope and yheir of God Lxxiij yheiris extending to five scoir and fiftene bollis he-

boll ourheid foure pund Summa xliiij *L*—Item be Williame Fawsyd for the rest of the fermes and teindis of the baronie of Ekfurde of the crop and yheir of God Lxxij yheiris fourtene bollis vittale half mele half beir price of the boll ourheid fiftie *s* Summa xxxv *L*—Item mair be the said Williame for the ferme and teindis of the said baronie of Ekfurde of the croppe and yheir of God Lxxiij yheiris tuelf bollis vittale half mele half beir price of the boll oerheid foure *L* Summa xlviij *L*—Item resting awand be William Quhite of the prices of the vittales sauld to him in the heid of the parochin of Hawik and of the crop and yheir of God Lxxj yheiris fourtie pundis—Item mair be the said Williame of the fermes and teindis of the said yheiris crop intromettit with be him fiftie bollis vittale half mele half malt price of the boll ourheid Lij *s* Summa I^c^xxx *L*—Item be Thomas Yhoung officiar of Lempetlaw for the Witsounday and Mertymes male of the landis of Lempetlaw and of the crop and yheir of God Lxxiij yheiris xxxvj *L*—Item be the said Williame Fausyd for the male of the landis and baronie of Ekfurde of the crop and yheir of God foirsaid fourtie pundis—Item the said vmquhile Walter had gude actioun contrar Williame Douglas of Cruik Gawine Ellot of Hosliehill and Robert Ellot callit Yhoung Robene for the wrangus spoliatioune and away taking of thair teindis of the landis of Cruik Skelshill Peilbra and Penangushope intromettit be thame for certane yheiris preceding the said vmquhile Walteris deceis extending to the soume of thrie hundreth and threttie thrie pund sex schillingis aucht pennies

Summa of the dettis awing to the deid.....I^M^I^c^xxxix *L* xiij *s* iiij *d*
Summa of the inventar with the debtis.....V^M^viij^c^lxxxij *L* xij *s* iiij *d*

Ffollowis the Dettis awing be the Deid.

Item thair wes awing be the said vmquhile Walter to Gedioun Murray his half bruther for the males of the landis of Glenpoyt of the crop and yheir of God Lxxiij yheiris xxiiij *L*—Item to Sr James Castlelaw preceptor to the sex barnes foundin within our souerane lordis chapell royall of Striveling as

for the saidis barnes pairt of Sanct Marie Kirk of Lowis for certane yheiris preceding the xx day of Februar anno Lxxxiij foure scoir threttene pundis vj *s* viij *d*—Item to the executouris of vmquhile Maister Johne Rutherfurde by and attoure the five hundreth merkis quhilk the landis of Langtoun lyis one tua hundreth fourtie sex pundis xviij *s* iiij *d*—Item to Maister Thomas Westoun advocat as his perticular compt beris subscriuit be the said vmquhile Walter and Dame Mergaret Douglas his spous aucht hundreth and fourtie foure pund x *d*—Item to Williame Moresoun tailyheour for clathis makking as his compt beris xxxv *L* iij *s*—Item to Thomas Scott tailyheour in Ed^r as his compt beris xlj *L* xv *s* iiij *d*—Item to Jonet Studeman in Hawik for furnesing of the place as the said vmquhile Walteris hand writ beris ane hundreth tuentie tua pundis ij *s* viij *d*—Item to Luk Wilsoun for merchandice foure hundreth fourtie nyne pundis xviij *d*—Item to Adame Lidderdale flescheour in Hawik for flesche to the place tuentie pundis—Item to Hector Wricht smyth in Hawik for schone to the lairdis horse sex *L* xvij *s* vj *d*—Item to Johne Hart cuke in Ed^r for his fie tuelf pund xij *s*—Item to James Hoppringill for his fie tuentie pundis—Item to the laird of Johnestoun for the rest of his tocher gud ane thousand and foure hundreth merkis—Item to the Laird of Phairnyhirst for the rest of his tochirgude ane thousand pundis—Item to Maister Williame Lauder conforme to the lairdis obligatioune tuentie pundis—Item to the thrie personis of the Forrest kirk for thair Beltane terme last bipast thrie scoir and sex pundis xiij *s* iiij *d*—Item to Johne Scott of Dringgestoun xxxv *L* quhilk wes consignit in Johne Watsonis handis be Robert Scott of Over Hassindane for the redemptioune of ane pece land of the said Robertis fra the said Johne and tane furth of the said Johne Watsonis handis be the said vmquhile Sr Walter and gevin to his masones—Item to Sr Johne Stevinsoune vicar pensioner of the Forrest kirk for his pensioune of certane yheris preceding the said vmquhile Walteris deceis conforme to his hand writ and decreit of the commissaris of Ed^r gevin aganis James Murrise vpoune the said vmquhile Walteris precept lxxx merkis—Item awand to William Purves ypothecar threttene pundis xj *s*—Item to

John Richartsoun saidlar tuentie thrie pundis xx *d* quhairof he hes ressavit fra thes aid laird at Mertymes last bipast tua ky price of thame baith xj *L* Sua restis de claro awand to him tuelf pund xx *d*—Item to gled Waltir Scot in Hawik xviij *L*—Item to Hobbe Diksoun cordiner for buittis and schone sevintene pundis—Item to Wattie Waucht for buttir saip and vthir necessaris furneist be him xxxij *L*—Item to Robert Scottis wyf in Hawik for sum ordinar dwtie sex pundis—Item to Thome Scot callit Jok Thome sevin *L* x *s*—Item to Helene Wigholme for foulis furneist be hir foure *L* xvij *s*—Item to the porter of Ewisdy[r] for the rest of the price of ane horse xij *L* x *s*—Item to Johne Hendersoun foular for wyld foulis as his compt beris viij *L*—Item to Geordge Maxwell in Hawik merchand for merchandice and furneising of the lairdis seruandis at his command xxviij *L* vij *s*—Item to James Clerk in Hawik xiiij *L* v *s*—Item to Walter Gledstanes for his fie xiij *L* vj *s* viij *d*—Item to Walter Hassindan for his fie xiij *L* vj *s* viij *d*—Item to Wattie Bouden eldar xiij *L* vj *s* viij *d*—Item to Walter Bouden yhoungar xiij *L* vj *s* viij *d*—Item to Walter Scott of Hassendane xiij *L* vj *s* viij *d*—Item to Johne Gundase xiij *L* vj *s* viij *d*—Item to Hobbe Yhoung xiij *L* vj *s* viij *d*—Item to Mungo Burne xiij *L* vj *s* viij *d*—Item to Dauid Pringle xiij *L* vj *s* viij *d*—Item to Thomas Brunrig cuke aucht pund—Item to Williame Archibaldis brouster sex *L* xiij *s* iiij *d*—Item to James Linlithgw greif xiij *L* vj *s* viij *d*—Item to Adam Achesoun porter aucht pundis—Item to the gardenar sex *L* xiij *s* iiij *d*—Item to the gudman that is the malt maker and his man tuentie pundis—Item to the tasker in the Barn Know thrie *L*—Item to the watcheman thair xl *s*—Item to sex wemen for ane yheiris fie euery ane xlviij *s* Summa xiiij *L* viij *s*—Item to Adam Greife serwand in the brewhouse xl *s*—Item to Willie Heltoun stewart sex *L* xiij *s* iiij *d*—Item to Archibald Boyis foure *L*—Item to Willie Scott in Selkirk for certane stainyn and furneising of the teindis leding fourtie pundis—Item to Thomas Hendrie in Selkirk for claith furneist to Margaret of the Wallis tuentie pundis—Item to Allane Dennes in Hawik foure pundis—Item to

Jonet Fokkert relict of vmquhile Williame Foular burges of Edinburgh ten pundis

Summa of the dettis awing be the deid.....Iiij^{m}iiij^{c}lxxxvij *L* iiij *d*
Restis of frie geir the dettis deducit.....I^{m}iij^{c}lxxxxv *L* xij *s*

To be deuidit in thrie pairtis the deidis part is.....Iiij^{c}lxv *L* iiij *s*
Quharof the quot is.....Xxiij *L* v *s*

Follows the Legacie and Latterwill.

At Hawik the ellevint day of Aprile the yheir of God I^{m} v^{c} and thrie scoir and fourtene yheris The quhilk day Walter Scott of Branxholme kny^{t} seik in bodie and haill in spirit as apperit maid constitut and ordinit James erle of Mortoun regent to our souerane his realme and liegis &c reular tutour governour and gidar to his barnes and wife and failyheing him Archibald erle of Anguse and vnder thame Johne Johnestoun of that ilk and Johne Cranstoune of that ilk And als maid constitut and ordanit Margaret Douglase his spouse and his barne Mergaret Scott his executouris testamentaris—Item he levis to Johne Watsoun fourtie bollis beir—Item to Willie Hutoun threttie or fourtie pundis as it sall pleis to his said spous and vther freindis and he to serve his wyf befoir ony vtheris—Item he levis to Johne Gledstanes Quhytlaw—Item he levis to Willie of Allanehauch the Kirkland his awne rowme—Item as to litill Wattie of Boudene he levis that to be done to him at the sicht of freindis and heirupone askit instrument of me notar publict Befoir thir witnessis Doctour Prestoun Adam Diksoun ipothecar Johne Carmichaell of that ilk Walter Scot of Gorlandis Walter Scot of Tuschelaw and Johne Watsoun with vtheris diuerse Sic subscribitur Ita est Thomas Westoun notarius publicus teste manu propria.

We Maister Robert Maitland dene of Abirdene Eduard Henrisoun doctour in the lawis Clermont Litill and Alexander Sym aduocattis commissaris

of Ed' specialie constitut for confirmatioune of testamentis Be the tenour heirof ratifeis apprevis and confirmis this present testament or inventar in sa far as the samin is deulie and lauchfullie maid of the gudis and geir abone specifeit alanerlie And gevis and committis the intromissioune with the samin to the said Margaret Douglas relict of the said vmquhile Walter Scott of Branxholme kny' and Margarat Scott his barne and executouris testamentaris to him reseruand compt to be maid be thame of the gudis and geir abone writtin as accordis of the law and the said Margaret Douglas ane of the saidis executouris being suorne hes maid fayth treulie to exerce the said office and hes funden cautioune that the gudis and geir foirsaidis salbe furth cumand to all pairties havand interes as law will as ane act maid thairvpoune beris.

APPENDIX.—No. II.

Deeds of Alliance between the Hostile Clans of Scott and Kerr.

THE feud which long raged betwixt the names of Scott and Kerr had its origin in the battle of Melrose. In the year 1526, during the monarchy of James V., the Earl of Angus, his father-in-law, exercised over the young monarch a domination both insulting to the king and displeasing to the rest of the nobility, several of whom combined to remove Angus from the king's counsels, and it was believed their schemes had the good wishes of the young prince himself. The circumstances which led immediately to the battle of Melrose, are detailed by Pitscottie with his usual picturesque and dramatic naiveté.

"About this time the king went to the south land to the Airs, and held justice in Jedburgh, where there came many plaints to the king of reiff, slaughter, and oppression; but little justice was used, but by the purse; for there were many that were of the Earl of Angus's kin, friends and servants, that got justice by favour. Of the which the king was nothing content, nor none of the lave of the lords that were about him; for they would have had justice equally used to all men without partiality or exception of persons. But, notwithstanding, the Earl of Angus and the rest of the Douglasses ruled

all which they liked, and no man durst say the contrary, wherefore the king was heavily displeased, and would fain have been out of their hands if he might by any means; and to that effect wrote a quiet and secret writing with his own hand, and sent it to the Laird of Buccleugh, beseeking him that he would come with his kin and friends, and all the force that might be, and meet him at Melrose at his home-passing, and there to take him out of the Douglasses hands and to put him to liberty, to use himself among the lave of his lords as he thinks expedient.

"This writing was quietly directed and sent by one of the king's own secret servants, which was received very thankfully by the Laird of Buccleugh, and was very glad thereof to be put to such charges and familiarity with his prince, and did great diligence to perform the king's writing, and to bring the matter to pass as the king desired; and to that effect convened all his kin and friends, and all that would do for him, to ride with him to Melrose when he knew of the king's home-coming. And so he brought in company with him six hundred spears of Liddisdale and Anandale, and country-men and clans thereabout, and held themselves quiet while that the king returned out of Jedburgh and came to Melrose, and to remain there all that night.

"But when the Lord Hume, Cesfoord, and Fernyharst took their leave from the king and returned home, then appeared the Laird of Buccleugh in sight, and his company with him, in an arrayed battle, intending to have fulfilled the king's petition, and therefore came stoutly forward in the back side of Halidenhill. By that the Earl of Angus, and George Douglas his brother, with sundry other of his friends, seeing this army coming, they marvelled what the matter meant; while at last they knew the Laird of Buccleugh, with a certain company of the thieves of Annandale with him, they were the less affeared, and made them manfully to the field contrary them, and said to the king on this manner, 'Sir, yon is Buccleugh and thieves of Anandale with him to unbeset your grace from the gate. I avow to God they shall

either fight or flee; and ye shall tarry here on this know, and my brother George with you, with any other company you please, and I shall pass and put yon thieves off the ground and rid the gate unto your grace, or else die for it.' The king tarried still as was devised, and George Douglas with him, with sundry other lords, such as the Earl of Lennox and the Lord Erskine, and some of the king's own servants, but all the lave past with the Earl of Angus to the field against the Laird of Buccleugh, who joyned and countered cruelly both the said parties in the field of Darnelinvirick either against other with uncertain victory; but at last the Lord Hume hearing word of that matter how it stood, returned again to the king in all possible haste, with him the Laird of Cessfoord and Farnihurst, to the number of fourscore spears, and set on freshly on the lap and wing of the Laird of Buccleugh's field, and shortly bure them backward to the ground, which caused the Laird of Buccleugh and the rest of his friends to go back and flee, whom they followed and chased, especially the Laird of Farnihurst and Cessfoord followed so furiously, while, at the foot of a path, the Laird of Cessfoord was slain by a stroke of a spear by an Eliot who was then servant to the Laird of Buccleugh. But when the Laird of Cessfoord was slain the chase ceased. But the Earl of Angus returned again with great merriness and victory, and thanked God that he saved him from that chance. And past with the king to Melrose, where they remained all night; while, on the morn, they past to Edinburgh with the king, who was very sad and dolorous of the slaughter of the Laird of Cessfoord, and many other gentlemen and yeomen slain by the Laird of Buccleugh, containing the number of fourscore and fourteen, which died in defence of the king, and at the command of his writing."—PITSCOTTIE, *Folio Edition.*

This battle was fought upon the 25th day of July, 1526. Tradition has preserved several names, taken from the different incidents of the fight, as the Charge-Law, where Buccleugh drew up his men for the onset; the Skirmish Hill where the battle was fought, and Turnagain, a small eminence

where the beaten party rallied, and where Sir Andrew Kerr of Cessford fell, as he headed the pursuit.

A summons of treason was raised against Buccleuch and others for this affair. But the king having emancipated himself from the tutelage of the Earl of Angus, and called a parliament of the opposite party, made a formal declaration, that Sir Walter Scott had intended no assault upon his person, but had only appeared in arms to exhibit his musters to the king after the custom of the Borders. And in evidence of his peaceful intentions, the royal declaration bears, that the said Sir Walter Scott only wore "ane leathern coat with ane black bonnet on his head," a buff-coat being probably then considered as a peaceful habiliment. The appearance of Buccleuch was, therefore, received as good service, and so allowed by act of parliament, dated 15th September, 1558.

The blood which had been shed between two such numerous and powerful names, gave rise to a very bloody feud between the clans of Scott and Ker, which lasted for many years. Various attempts were made to reconcile the parties to each other, particularly by a league, which the reader will find published in the Appendix to the Introduction to the Border Minstrelsy, by which the leaders of each clan agreed to perform, or cause to be performed, a pilgrimage to the four principal places of devotion in Scotland, Scone, Dundee, Paisley, and Melrose, to pray for the souls of such of the other party as had fallen in the battle of Melrose. But the league, which is dated 15th March, 1529, did not take effect; for in the year 1553 Sir Walter Scott was murdered in the streets of Edinburgh by the Kerrs, in revenge of the death of the Lord of Cessford in the battle of Melrose, twenty-seven years after that event.

A new treaty, of which the copy follows, was concluded by the young Lord of Buccleuch and his friends and allies with Sir Robert Kerr, by which it was conditioned, that Sir Robert Kerr of Cessford should make the *amende honorable* to Buccleuch on account of his father's slaughter, by publicly cra-

ving forgiveness of the same in the High-Church of St Giles' at Edinburgh. This species of atonement was called in the law-language of those days, *homagium et sufferagium*. It was usually stipulated, that the party who had offended should deliver to his adversary his naked sword, holding it by the point, and offering the hilt; but this is not stipulated on the present occasion. It is also provided, that this apology having been made and accepted by Buccleuch, the alliance was to be cemented by the marriage of the son of the Lord of Cessford with the sister of Buccleuch, without any *tocher*, or dower; and also by the marriage of George Kerr of Fawdonside, or one of his brothers, with Janet, the sister of the slaughtered Laird of Buccleuch, or with any other of his sisters, providing always, (for in this, as the more important point, the treaty is special, though general as to the person of the lady,) the bride was endowed with a tocher of a thousand merks. This curious document also bears, that the Laird of Fernihirst, Sir Andrew Kerr of Hirsell, and Gilbert Kerr of Primsyde-Loch, having refused to concur with Cessford in this treaty, shall take no benefit from it in any shape; and that, in case of their acceding to the treaty, then the marriage between George Kerr and Janet Scott might be departed from at the pleasure of the former, or if it were already entered into, Buccleuch should assign a competent portion of one thousand merks to his aunt. The reason seems to have been, that, in the supposed case, the chiefs who joined the league must have made their own separate compensation to Buccleuch in lieu of the advantage proposed to his family by the marriage between his aunt and Fawdonside. It did accordingly happen, as appears by a subsequent deed here also published, that Sir Andrew Kerr of Hirsell entered into a separate alliance with Buccleuch on his own behalf, by which he and James Kerr of Corbett agreed to appear in the kirk of Melrose, and, after sermon, to make such homage and sufferage to Sir Walter Scott and his friends as should be esteemed sufficient to atone for the slaughter committed; and this alliance, also, was to be completed by a marriage betwixt the grandson of Sir Andrew Kerr of Hirsell, when he should

come of age, and Elizabeth Murray, sister uterine to the Lord of Buccleuch, with such settlements of Sir Andrew Kerr's fortune as should be most likely to settle it upon the issue of such a marriage.

It may be observed in these two deeds, that the mode of arranging the marriage settlements so as to give considerable advantage to the injured party, was, between barons of such rank and authority, a more delicate way of compensating the penalty, which, as assythement or price of blood, the law entitled them to exact from the other party.

Contract betwix the Scottis and the Kerris, xxiij° Mercij Anno Lxiiij.

In presens of the Lordis of Counsale comperit Walter Scott of Branxholme with his curatouris vnderwritten personale except ane nobile and mychte lord James Duke of Chatteaularault quha comperit be Maister David Borthuik his procuratt one that [ane] pairt and Walter Ker of Cesfurde knycht for himself and takand the burding vpoune him for his barnis and the remanent of his kynd frendis specifeit and contenit in the contracte vnderwrittin personale one that othir pairt and gaif in the samyn subscriuit with thair handis as followis and desireit the samyn to be insert and registrat in the bukis of Counsale and to have the strenth of ane act and decreit of the Lordis thairof and thai to interpone thair auctorite to the samyn with executoriallis to be direct thairupoune in maner specifeit thairintill The quhilk desyir the saidis Lordis thocht resonabill and hes ordanit and ordanis the said contracte to be insert and registrat in the saidis bukis of Counsale and to have the strenth of thair act and decreit in tyme to cum and hes interponit and interponis thair auctoritie to the samyn and hes decernit and ordanit lettres and executoriallis to be direct thairupoune in maner specifeit thairintill Off the quhilk contract the tenour followis

At Edinburgh the xxij day of Merche the yheir of God I^m v^c Lxiiij yheiris It is appointit aggreit and finale concordit betuix rycht honorabill menn Sr Walter Ker of Cesfurde knycht for him self and takand the burding upoune him for his barnis and for his bruder Mark commendatar of New-

bottle and his barnis Johnne Hwme of Coldenknowis and his bairnis Andro Ker of Fawdounsyde his bairnis and breder Thomas Ker of Marsingtoune his fader bruder and thair bairnis George Ker of Lyntoune his bairnis his oyis and bruder bairnis Richard Ker of Gaitschaw his barnis and breder Andro Williame and Johnne Kerris brether to Sr Thomas Ker of Pharnyhirst knycht Mark Ker of Kippyschaw and his sone Robert Ker of Bothtoun Robert Ker elder burges of Edinbur[s] and all vtheris thair barnis brether kynn and frendis menn tennentis and servandis excepte thair freindis vnderspecifeit nocht comprehendit vnder this appointment one that ane pairt and Walter Scott of Branxholme and Bukcleuch with consent and assent of ane rycht michte and nobille lord James Duke of Chatteaularault Erle of Arrane Lord Hammiltoune &c. S[r] Johnne Maxwell of Terreglis knycht S[r] Johnne Bellendene of Auchnoule knycht Justice Clerk Maister Johnne Spens of Conde aduocat to our Souerane Lady Andro Murray of Blakbarony Michel Balfour of Burlye Thomas Scott of Haning and Robert Scott of Thirlstane curatouris to the said Walter for thair interes for himself and takand the burding vpoune him for his haill surname and the relicte and bairnis of vmquhile Sr Walter Scott of Branxholme knycht his gudeschire and als for Williame Cranstoune of that ilk his barnis and breder The brether of vmquhile the Laird of Chisholme Johnne Glaidstanis of that ilk and his barnis James Langlandis of that ilk and his barnis Walter Wache of Syntoun and his barnis and for James Ormistoun of that ilk conditionally as followis And als for all vtheris his kynn freindis servandis men tennantis assista[ris] and pairtakaris on that vther pairt in maner forme and effect as efter followis That is to say the said Lard of Bukcleuch nor na vther for quhome he takis burding as said is sall ony way persew the said Lard of Cesfurde nor na vther comprehendit vnder this present appointment criminale nor civilie for ony slauchter or blude committit in tyme bypast And is content to be perpetualie secludit thairfra per pactum de non petendo And sall never move actione beir hatrent grudge or displesour thairfor bot bury and put the samyn vnder perpetuale silence and oblivioune and to leif in perfite amite

lufe and cristiane nychtburhede in all tymes cuming Providing alwayis that heirby the said Lard of Bukcleuch and all vtheris [for] quhame he takis burding be na wayis preiugit anent thair actionis quhatsumeuir that thai haif intentit or may intent aganis Sr Thomas Ker of Pharnyhirst knycht Sr Andro Ker of Hirsell knycht Robert Ker of Wodheid Johne Haldene of that ilk Gilbert Ker of Prymsyd-loch James Ker of Terbert Robert Ker of Gradene Andro Ker of Hietoune thair barnis brethir and servandis and all vtheris that ar nocht comprehendit vnder this appointment bot that thai may persew and obtene the samyn as thai think maist expedient be the law And that becaus the saidis personis being requirit be the said Lard of Cesfurde to cum with him and to do thair devite for thair pairt of thair appointment hes refusit to do the samyn And als becaus that in this present appointment thair is na proffett nowther gevin nor takin quhairby the said Lard of Bukcleuch and his frendis and vtheris foirsaids ar preiugit anent thair saidis actionis and that it is the express mynd of all the pairteis presentle contractaris that the samyn be fullele reservit and sicklik vpoune the vther pairt the said Lard of Cesfurde nor na vtheris quhomefor he takis the burding sall in ony wyis persew the said Lard of Bukcleuch nor na vtheris his kynn friendis servandis menn tennentis assistaris or pairttakaris criminale or civile for ony slaychter or blude committit in ony tyme bipast and is content to be perpetualle secludit thairfra per pactum de non petendo and sall nevir move actioun beir hatrent grudge or displesour thairfoir bot bury and put the samyne vnder perpetuall silence and oblivioune and to leif in perfite amite luf and cristiane nychtbourheid in all time heireftir Attour It is herby expreslie and faythfulle contractit that for mair sure removing stancheing and away putting of all inymite hatrent and grudge standand and consavit betuix the saidis pairteis throw the vnhappy slauchter of the said vmquhile Sr Walter Scott of Branxholme knycht and for the better continuance of amite favour and friendschip amangis thame in tymcuming the said Sr Walter Ker of Cesfurde knycht sall vpoune the xxiij day of Merche instant cum to the perroche kirk of Edinburcht now commonely callit Sanct Gillis kirk and thair befoir none in sycht of the pa-

pill present for the tyme reverently vpoune his kneis ask God mercy of the slauchtir foirsaid and siklik ask forgivenes of the same fra the said Lard of Bukcleuch and his freindis quhilkis salhappin be thair present and thaireftir promiss in the name and feir of God that he and his freindis sall trewle keip thair pairt of the present contract and salle stand trew freindis to the said Laird of Bukcleuch and his freindis according heirvnto in all tyme cuming The quhilk the said Lard of Bukcleuch sall reuerentlie accept and ressave and promise in the feir of God to remit his grudge and nevir remember the same bot sall observe and fulfill his pairt of this present contract to the said Lard of Cesfurde according to the tennour thairof siclik in tyme cuming and als Thomas Ker secund sone to the said Lard of Cesfurde sall God willing solempnizate and compleit the band of matrimony in face of Christis congregatioune with Scott sister to the said Lard of Bukcleuch betuix this and the last day of May nixt tocum but ony tocher to be payit be hir said bruder or ony vthir freyndis with her And the said Lard of Cesfurd sall provide thame ane honest and ressonable sustentatioune and leving efferand to thair estait and conditioune And als sall caus the said be infeft in hir virginite in coniunctfee or lifrent with hir said future spous and thair airis lauchfullie gottin or tobe gottin betuix thame quhilk failyheing the said Thomas airis quhatsumeuir in all and haill landis and annuelrent of the availl of ane hundreth merk be yheir tobe haldin of the superiour be resignatioun or confirmatioune at the plesour of hir said bruthir and thaireftir the said tobe infeft in coniunctfee in lifrent with hir said future husband at his and his said faderis gude will and plesour in sik landis and leving as thai pleis mak hir quhilk is referrit in thair will And siklik George Ker eldest sone and apperand air to the said Andro Ker of Fawdonsyd sall God willing solempnizeat and compleit the band of matrimony in face of Christis congregatioun with Jonett Scott fader sister to the said Lard of Bukcleuch sa sone as thai salbe of perfite age and habilite for marriage but payment of ony tochter tobe payit be him or vthir hir freindis with hir And gif it salhappin the said George to deceis befoir the compleiting of the said

mariage than and in that cais his nixt bruther that salhappin to appeir or succeid air to his said fader or him sall marie the said Jonet tochterfre and siclyk failyheing of hir be deceis befoir the said mariage than and that caise the said George and failyheing of him be deceis his nixt bruther foirsaid sall solempnizeat and end mariage with hir nixt sistir that salhappin than be alyve tochterfre. And sua salang as the said Andro sall haif ane sone and the said Jonet ane sister the ane to marie the vther tochterfre as said is ay and quhill marriage be anis compleit amangis thame and gif salhappin the said mariage to failyhe in the saidis Georges or ony vther his brederis defalt than and in that cais the said Lard of Cesfurd be the tennour heirof oblissis him and his aris to pay and deliver the sowme of ane thousand markis to the said Jonett or to hir vthir sister to quhome the said mariage sall failyhe within xl dayis nixt eftir the said failyhe be knawin attoure becaus the said Lard of Cesfurd hes of befoir requerit and desyrit under the forme of instrument the saidis Sr Thomas Ker of Pharnyhirst knycht Sr Andro Ker of Hirsell knycht and Gilbert Ker of Prymsyd loch for thame and thair freindis to adheir concur and assist to him in this present aggreance and that thai haif refusit the samin as is abonewritten Thairfoir the said Lard of Bukcleuch nor his airis sall nocht aggre with thame or ony of thame by the awyse of the said Lard of Cesfurde and his airis and gif it salhappin the said Lard of Bukcleuch or his airis to aggre with the saidis Sr Thomas Sr Andro and Gilbert or ony of thame by the awyse of the said Lard of Cesfurde befoir the completing of mariage betuix the said George or ane of his brethir with the said Jonet or ane of hir sisteris as said is without the said Lard of Cesfurd be previe and consent thairto than and in that cais the said George nor nane of his brethir salbe haldin or astrictit to compleit the said mariage bot salbe fre thairof nochtwithstanding this present contract and sicklike as gif the samyn had nevir bene maid And lik wyis gif it salhappin the said Lard of Bukcleuch to aggre with the saidis personis or ony of thame eftir the completing of the said mariage betuix ony of the said Androis sonnis and the said Jonet or ony of hir sisteris by the avise of the said Lard of Cesfurd than and in that caise

the said Lard of Bukclewch oblist him with auise of his curatouris foirsaidis to content and pay to the said Lard of Cesfurde the soume of ane thousand merkis as the tochir of the said Jonet or ony vthir hir sister that hapins tobe mareit within xl dayis nixt eftir the said eggreance gif it happynnis tobe maid as said is but ony exceptioune or remeid be vertew of this present contract quhairby the said mariage suld be tochir fre as is abone specifeit tobe proponit or allegeit in the contrar Providing alwayis that gef the said Lard of Bukcleuch aggre with the saidis Sr Thomas Sr Andro and Gilbert or ony of thame with auise of the said Lard of Cesfurde than and that cais the said Lard of Cesfurde sall nocht laubour nor desyir that thair offeris ellis offerit be diminissit bot rather that thai be augmentit And yhit mairour becaus ther is perticularle deidle feid and actionis betuix the said Walter Ker of Cesfurde knycht and the said James Ormistoune of that ilk Thairfoir thai salbe compromittit in David Spottiswod of that ilk and Thomas of Hoppringill of that ilk to be chosin for the pairt of the said Larde of Cesfurde and in James Langlandis of that ilk and Nicholace Rutherfurde of Hundely knycht to be chosin for the pairt of the said Lard of Ormistoun and in odmann and ourmann in caise of variance or discord betuix the saidis iugis tobe commonele chosin be bayth the saidis Lardis of Cesfurde and Bukcleuch anent the taking be the said Laird of Ormistoun of the landis of Nether Ancroum and baillere thairof in tak our the said Lard of Cesfurde heid it being his kyndlie rowme of befoir as he allegis And anent the slauchter of vmquhile best servand to the said Lard of Cesfurde and als anent all vther materis actionis querellis and debeittis betuix thame and thai tobe bund to abyde at the decreit and sentence of the saidis iuges and ourmann or maist pairt of thame deliuerand in the saidis materis quhilkis salbe haldin to deliver thairin betuix this and the first day of August nixt tocum and ane compromit to be maid thairupone and extendit in ample forme as vse is in sic caissis And gif it sal happin the said Lard of Ormistoune to reclame fra the decreit tobe gevin be the saidis iugis and ourmann or maist pairt of thame and nocht to abyde thairat and fulfill his pairt thairof as he sall be ordanit be the same than and in

that caise the said Lard of Bukcleuch sall refuse him and sall nowther manteine fortife nor assist him thaireftir in ony tyme cuming bot sall tak pairt and fortife in honest and lesum maner with the said Lard of Cesfurde in his contrar And gif the said Lard of Cesfurde salhappin to reclame fra the said decreit tobe gevin as said is than and in that caise the said Lard of Bukcleuch sall tak pairt with the said Lard of Ormistoune And finale the saidis parteis be the tenour heirof bindis and oblissis thame and thair airis that thai and personis abonewritten for quhame thai haue takin burding respective for thair awin pairtis as said is sall in all tyme cuming keip and retene amite freindschip lufe favour and kyndnes ilkane to vtheris without ony grudge or occasioune tobe movit in the contrar be thame or ony of thame to vtheris be ony maner of way in tyme cuming and gif it salhappin ony contraverse or pley to fall betuix ony of the friendis abonewrittin comprehendit vndir this present contract for taking of vtheris steding or rowme owthir in tyme bigane or tocum thann and in that caise the mater salbe first schawin to the saidis Lairdis of Cesfurde and Bukcleuch be quhaise avise the saidis parteis sall cheis foure frendis with ane ourmann as thai can aggre on for ending and deciding of the said contraverse And gif the pairteis can nocht aggre one the said ourmann than and in that cais the saidis Lardis of Cesfurde and Bukcleuch sall cheis ane ourmann quhame thai can aggre one quhilk ourmann being chosin be thame it sall nocht be [le]sum to the pairteis to refuse him bot to approve and chuse him and gef the saidis lardis can nocht aggre on the said ourmann than and in that cais thai sall humle swte and desyer the quenis maieste and counsale to cheis ane ourmann quha being chosin the pairteis salbe haldin and bund to stand content with him and to abyde at his and the arbitratouris deliuerance or maist pairt of the thame deliuerand vpone the contraverse that salhappin to be debatabill for the tyme but ony daclaratioune to be maid in the contrar And for observing keping and fulfilling off all and sindrie the premissis athir of the saidis pairteis bindis and oblissis thame faithfulle to vtheris in the maist strait forme and siclik stile of obligatioune can be dewisit but fraud or gile na remeid nor exceptioune

of law quhatsumeuir to be proponit or allegeit in the contrar renunceand the samin for thame thair airis executouris and assignais for now and evir be thir presentis And for the mair securite thai ar content that this present contract be insert and registrat in the bukis of Counsale and decernit to have the strenth of ane act and decreit of the Lordis thairof And that lettres and executoriallis to be direct heirupone for compelling of athir of the saidis pairteis to fulfill the samyn for their pairteis to vtheris in forme as effeirs And for acting and registring heirof the saidis pairteis makis and constitutis be thir presentis Maister David Borthwick thair vndowtit and irreuocabill procuratouris gevand and committand to thame coniunctle and seuerale thair full power expres bidding and charge to compeir befoir the Lordis of our soueraune ladeis counsale quhatsumeuir dais and places lauchfull and thair desyir this present contract to be registrat in the said bukis of Counsale and the saidis lordis to interpone thair auctorite thairto promittand to abyde ferme and stable &c. In witnes of the quhilk thing bayth the saidis pairteis and curatouris abonewrittin for thair interes hes subscriuit this present contract with thair handis And als dame Jonet Betoun the relict of the said vmquhile Sr Walter hes in signe of hir consent to the premissis subscriuit the samin with hir hand day yheir and place foir saidis befoir thir witnessis Sr James Dowglas of Drumlangrig knycht Johne Stewart of Trocquair Patrik Murray of Fallowhill Murray of Cokpule and Thomas Sinclair writter to the previe seill with vtheris diuerse. Sic subscribitur

WALTER KER of Cesfurde
WALTER SCOTT of Bukclewch
JANET BETOUNE Lady of Bukclewch
THOMAS SCOT of Hanying
Mr JOHN SPENS curatour abone-writtin
JOHNE MAXWELL J. BELLENDENE as curatour
ROBERT SCOT of Thirlstane with my hand at the pen led be DAVID LAUTE notare publict.

Contract betuix the Lard of Buclewch and Sr Andro Ker and Vtheris Nono marcij Anno Domini &c. xc Lxviij°.

In presens of the Lordis of Counsale comperit personale Maister Thomas Westoune procuratour speciale constitut for Walter Scott of Branxholme knycht Andro Murray of Blakbaronye Maister Jhone Spens of Condy his curatouris for thair interest and Walter Cheisholme of that ilk on that ane part and Maister David Borthuik inlikvise procuratour specialie constitut for Sr Andro Ker of Hirsell knycht Walter Ker of Dolphinstoune James Ker of Corbethous and Walter Hog on that vthir part and gaif in this contracte and appuncteament vndirwrittin subscriuit with thair handis and desyrit the samyn to be insert and registrat in the bukis of Consale to haif the strenth force and effect of ane act and decreit of the Lordis thairof in tyme tocum with lettres and executorialis tobe direct thairvpoune in forme specifeit thairintill The quhilk desire the saidis Lordis thocht ressonabill and thairfor hes ordanit and ordanis the said contract and appunctuament tobe insert and registrat in the saidis bukis to haif the strenth force and effect of thair act and decreit in tyme tocum And hes interponit and interponis thair auctorite thairto and decernis and ordanis lettres and executorialis to be direct tharvpone in maner specifeit thairintill Off the quhilk contract the tennour followis At Melros the xxvj day of Februar the yheir of God Imvclxviij yheiris It is appunctit aggreit and finale concordit betuix honorable personis that is to say Walter Scott of Branxholme knyt for himself and takand the burding vpone him for Walter Cheisholme

of that ilk and the remanant thair kyn freyndis allia assistaris and pairtakaris with consent and assent of Sr Jhone Bellendene of Auchnoule knycht Maister Jhone Spens of Condy Andro Murray of Blakbarony and Robert Scott of Thirlstane his curatouris for thair interes on that ane pairt and Andro Ker of Hirsell knycht for himself and takand the burding vpone him for James Ker of Corbett Walter Hog and the remanent his kyn freyndis assistaris allia and pairt takaris on that vthir pairt anent the slauchtir of vmquhile Walter Scott of Branxholme knycht and all vtheris questionis querellis debaittis and contraverseis quhatsumeuir that is or hes bene in ony tymeis bigane betuix the saidis parteis preceiding the day and dait heirof in maner forme and effect as efter followis Prouiding that this contract appoyntment and aggreance be nocht extendit to Thomas Ker of Pharnyhirst knycht his seruandis pairtakeris and allya nor assystaris That is to say the said Sr Andro and James Ker of Corbett accumpanyit with thair kyn freindis serwandis assystaris allya and pairtakeris sall God willin vpone sone[day] viz. the threttene day of Merche compeir personalie within the parroche kirk of Melrose about ten houris befoir none or thairby and thar efter the sermond in presens of the freindis of bayth the saidis pairteis and vther being thair present for the tyme and sall mak thair sic homage and sufferage to the said Sr Walter and his freindis as salbe thocht sufficient and agreabill be the said Walter and his freindis for the said slauchter and siclyk the said Sr Andro and James bindis and oblissis thame thair seruandis kyn freindis assysteris allia and pairtakeris to tak in all time-cuming ane trew plane and afawd pairt with the said Sr Walter and his foirsaidis in all and syndre their honest and lefull actionis and causis aganis all deidlie the auctoritie being exceptit allanerlie and siclyke the said Sr Andro and Walter Ker of Dolphingtoune his sone and appeirand air be the tennour heirof bindis and oblissis thame be the fayth and treuth in thair bodyis to cause Johne Ker oy to the said Sr Andro and eldest sone and appeirand air to the said Walter to compleit and solempnizat the holy band of matrymonie with Elizabeth Murray lauchfull syster to the said Walter in face of halykirk howsone he beis of perfyte age fourtene yheiris outrun And

incaise the said Johne Ker depairt at the plesour of God before his perfyte age as God forbyd than and in that caise the said Walteris secund sone succeiding to the said Sr Androis heretage sall solempnizat and compleit the said haly band of matrymonie with the said Elizabeth howsone he beis of perfyte age viz. fourtene yheiris outrun and siclyk incaise the said Elizabeth inlaik at the plesour of God as God forbid than sall Walteris secund sone marie and solempnizat the said band with Agnis Murrey her secund syster howsone scho beis of perfyte age according to the lawis and als incaise hayth the saidis and Agnes inlaik as God foirbyd at the plesour of God befoir the compleiting of the said marriage than and in that caise the said Sr Walteris secund sone succeiding to the said Sr Androis heretage sall compleit and solempnizat the said band of matrymonie with Agnes Murray secund syster to the said Elizabeth and incaise of failyhe of the foirsaidis personis as God forbid befoir the compleiting of the said band as said is every bruther succeiding to the said heretage sall compleit and fulfill the said band with the nixt full and lauchfull sister to the said Elizabeth salang as thir is ony barnis on lyf on ather pairt lyke sib to the said Sr Walter and incaise of non fulfilling of the said band of matrymonie in maner abone reheirsit efter ony of the said Walteris sonis haif compleitit the age of fourtene yheiris than and in that caise the said Sr Andro and Walter bindis and oblissis thame thair airis executouris and assignayis to refound content and pay to the said Sr Walter his airis executouris and assignayis the sowme of ane thowsand merkis vsuale money of this realme And attour the said Sr Andro be thir presentis bindis and oblissis hym and his airis fourtie dayis befoir the solempnatioune of the said mariage to heretabille infeft be resignatioune or confirmatioune as best sall pleis the said Sr Walter and his freindis the saidis and Elizabeth & failyheing thame tway the vthairis abonementionat that salhappin to compleit the said band and succeid to the said Sr Androis heretage abonewrittin in all and haill the said Sr Androis tuentie pund land of auld extent of Hirsell with the pertinentis lyand within the schirefdome of Beruik in coniunctfie and to the langer levar of thame twa

and to the airis lauchfullie to be gottin betuix thame twa quhilk failyheing to the said Walter Ker of Dolphingstounsis airis quhatsumeuer for the quhilkis caussis abonewrittin the said Sr Walter Scott of Branxholme knycht for him selff and takand the burding vpone hym for Walter Cheshoime of that ilk and the remanent of thair kyn freindis allia assistaris and pairtakeris sall forgif lyke as thay be thir presentis presentlie forgevis the said Sr Andro James and thair foirsaidis all haitrent malice and rancour of mynde that thay haif had or ony wise may haif to the saidis personis or ony ane of thame for the saidis slauchteris or ony vthairis questionis querellis or debaittis that is or hes bene betuix ony of the saidis personis pairties preceiding the day and dait heirof lyke as the said Sr Andro and his foirsaidis dois the samin to the said Sr Walter and his foirsaidis and siclyke the said Sr Walter sall tak ane trew afawld and plane pairt with the said Sr Andro and his foirsaidis in all and syndrie thair honest and lefull actionis questionis querrellis and debaittis quhatsumeuer aganis all deidle the auctorite being allenerlie exceptit To the quihilkis premissis and euery poynt thairof ather of the saidis pairteis bindeis and oblissis thame lelilie faythfullie and trewlie to vtheris be tuyching of the avangelis And for the mair suir obseruing keiping and fulfilling of the premissis and euery poynt thairof bayth the saidis pairteis bindis and oblissis thame to vthairis And ar content and consentis that this present contract be actit and registrat in the bukis of our soueranis Counsale and decernit to haif the strenth of ane decreit of the lordis thairof and thair auctorite tobe interponit thairtill with executoriallis of hoirnyng or poynding to pass tharvpone at the will and plesour of bayth the saidis pairteis for compelling of thame and ather of thame to fulfill to vthairis and for acting and registring heirof makis constitutis and ordanis honorable men and thair weilbelouitt maisteris Dauid Borthuik Thomas Watsoune and ilkane of thame coniunctlie and seueralie thair procutouris to compeir befoir the saidis lordis quhatsumeuer day or dayis and thair to consent to the acting and registring heireof with executoriallis to pass thairvpone in maner abonereheirsit In witnes of the quhilkis the saidis Sr Walter Scott of Branxholme knycht Walter Cheshome of that

ilk and takand the burding vpone them for thair foirsaidis hes subscriuit thir presentis with thair handis and inlykewise the said Sr Andro Ker of Hirsell knycht Walter Ker of Dolphingtoune his sone and appeirand air James Ker of Corbett and Walter Hog for thame selffis and takand the burding vpone thaim for thair foirsaidis hes subscriuit the samin with thair handis in maner following day yheir and place foirsaidis befoir thir witnessis Maister Thomas Westoune advocatt Maister Johne Watsone minister of Melrose Sr Johne Bryden notar publict Sr Williame Anislie vicar of Maxtoune George Ruthirfurde of Pharnyngtoune and Maister George Dowglas notar publict with vthairis dyuerse Sic subscribitur

WALTER SCOTT of Branxholme, knyt
ANDRO KER of Lytilden
WALTER CHESHOLME of that ilk
WALTER KER of Dolphingtoune
ANDRO MURRAY of Blakbarony
JAMES KER of Corbethouse
Maister JOHNE SPENS curatour foirsaid
WALTER HOG

[The unrelenting rigour of a Border feud may be gathered from the terms of the following petition by the chiefs of the numerous and powerful name of Kerr to the Duke of Albany, then regent, the queen dowager, and lords of the privy council. The supplicants had been declared rebels on account of the crime they had committed; but through the alliance of the Humes, and the favour of the queen dowager, they were so strongly supported at court, that the chiefs of the Kerrs were permitted to go into a kind of honourable exile with an auxiliary force which the Scottish council were about to send to France. According to King Edward's Journal, these troops were to consist of four thousand infantry, commanded by the Earl of Cassils, and five hundred men at arms, to be led by the Humes and Kerrs.

It would appear, however, that before consenting to this arrangement, the Kerrs had sustained much loss, both through the retaliative violence of their enemies, and the efforts of the governor's officers to enforce the sentence of rebellion.]

Apud Edr. viij° Decembris, Anno &c. lij°.

The Supplicatioune of Walter Kerr of Cesfurde the Larde of Pharniherst and their Collegis gevin in to the Quenis Grace my Lord Gouernour and Lordis of secreit Counsell followis.

My lord gouernour and lordis of secreit counsale vnto yhour grace humilie schewis yhour graces seruitouris Walter Ker of Cesfurde Johne Ker of Pharniherst and Andro Ker of Hirsel knychtis That quhair we haif menit ws vnto yhour grace and counsale diuers tymes and last of all at yhour grace lait being in Jedburgh anentis the vnhappy chance quhilk happynnit ws in the suddane slauchter of the Larde of Bukclewch and offerrit ws to do therefor to the plessour of yhour grace all that lay in our possibilliteis our livis and heretage being savit as our supplicatioun beiring the haill maner

and fassoun therof gevin in to yhour grace and counsell beris quhilk at that tyme wes continewit to yhour grace and consellis nixt conventioun in Edinburgh And sen your grace departing fra Jedburgh yhour graces seruitouris hes tane vp all our housis possessionis and gudis swa that we haif na maner of thing to leiff vpoun bot giff we stele or reve to sustene ws our wyffis and barnis Nor dar nocht resort to freyndis to meyne ws to bot lyis in woddis and fellis becaus we ar at the horne And als for feir of our party quha hes creuellie sensyne slane diuerse of our freyndis saikles menne of ony cryme done be ws as we doubt nocht bot yhour grace and counsel knawis And siclik daylie sekis and persewis ws and all our freyndis kynnismenne and servandis for our slauchteris swa that nain of our freyndis in our name dar for feir of ther livis cum to kirk mercat nor to yo' grace to meyn ws for rameid therof quhairthrow we ar put to sik miserie that without yhour grace haif sum compassioun therupon we and all owris ar abill to be put to perpetuall rwyne Heirfor we beseik yhour grace for mercy and sen at this tyme it standis with ws at sik extremite as is abone expremitt that yhour grace will haif piete onne ws and gif ws grace And salbe hartlie contentit to do and fulfill quhat thing yhour grace and counsel will diuise to the plesour of yhour grace and syne to the party and sall leiffe nocht behind that lyis in our possibiliteis theranentis Our livis and heritaige being saifit as said is with our hartis and seruice to yhour grace for ever And yhour graces ansuer heir-intill rycht hartlie we beseik.

This supplicatioun within writtin being red in presens of the quenis grace my lord gouernour and lordis of secreit counsale ffor ansuer It is thocht that thir compleneris and ther complices samony as wes the slayaris of vmquhile Schir Walter Scot of Brankisholme knycht and presentlie at the horne for the samyn salbe banist and remain in the realme of France vnder sufficient cautioun nocht to returne agane furth of the samyn in this realme without speciale licence of my lord gouernour and the authorite had and obtenit ther-

upoune And als that ane or twa gentilmen of the Kerris that is the quenis liege menne sall raise of the Kerris and all vtheris ther kinne freyndis samony as will tak ther part within the boundis of the wardanrie of the middill merchis of this realme ane hundreth horssmen weill furneist to depart to the partis of France with the generall as vtheristh at ar to be rasit of this realme dois the Scottis their freindis and allya being excepte* This ansuer being fulfillit realie and with effect provisioune salbe maid for the saufty off thir compleneris livis and heretages quhilk is the vter will and deliuerance of the quenis grace my lord gouernour and counsel.

Reg. Sec. Con.

* The Scotts were excepted, because to have sent any number of them with their feudal enemies, the Kerrs, would have given occasion for the perpetuating that feud which it was the object of the government to end.

APPENDIX.—No. III.

[The papers which follow relate to a feud of a more trivial nature than that which occurred after the battle of Melrose. They are copied from the originals, in the possession of the Marquis of Lothian, who possesses some other documents relative to the same business. It appears to have originated in a dispute between Sir Andrew Kerr of Fairnihirst, chief of the western branch of that powerful clan, and Sir Walter Scott of Buccleuch, respecting a right claimed by the former to a lease of the Teind Sheaves of Innerleithen, a part of the property of the church, which, like others of its extensive rights, became, after the Reformation, a frequent bone of contention amongst the secular nobility. It would seem these two followers of Fairnihirst had been slain by those of Buccleuch, and after various truces, one of which we give as an example of the stile and manner of such occasions, the feud seems to have been finally adjusted by the Bond of Alliance.]

Truce between Sir Walter Scott and Sir Andro Kerr of Fairnihirst, until the Return of Sir Walter from France, and Forty Days thereafter.

I Sr WALTER SCOT of Branxholme kny^t^ for my self and takand the burding vpone me for my haill kyne freindis servandis pertakerris assistars dependeris and all vthers haiffing entres in ye cause vndervrittin except Micheall Scott of Aikwood haiff assurit and be thir presentis assuris Androw Ker of Pharniherst his kyne freinds servandis pertakerris assistaris and dependaris To be vnhurt vnharmit vntroublit vnmolestit invadit or persewit in ye law or by ye law directlie or indirectlie be me or ony of my forsaids for quhome I tak ye burding as said is in ony vayis for ye quarrell and lait accident fallin out betuix me and the said Androw Ker w^t^in ye burh of Edinbur^t^ at q^lk^ tyme

vmq^{te} Johne Kirkcaldie and John Chalmer hapnit to be slane frome ye day and dait heirof vnto ye returne of me the said Sr Walter frome ye cuntrey of France and fourtie dayis efter vnder the pane of periurie defamation sclaunder perpetuall tynsall of caritir estimatioun hono^{r} and credite and never to be repute honest nor trew in cais of ony brek or contraventioun of ye premissis In vitness quharof I for my self and takand ye burding vpone me as said is hes subscryuit this present assurance w^{t} my hand At Edinbur^{t} the ellevint day of Agust the yeir of God J^{m} v^{c} fourscoir ellevin yeiris Befoir thir witnessis Nicoll Carncorss of Calfhill Mr Gedeoun Murray Johne Forret of Fyngask and Gilbert Quhyt his servand

BVKCLVCHE.

G. MORRAY *Witnes*.

Bond of Alliance between Sir Walter Scott and Sir Andrew Kerr.

At Jedburgh the thretten of November the yeir of God J^{m} v^{c} four scoir and fyftein yeirs It is appoynttit contractit and finallie agreitt betwixt honorabill men Schir Walter Scott of Branxolme kny^{t} for him selff his hale kin freinds seruands and dependars on ye ane part and Andro Ker of Pharnihirst for him selff his hale kin freinds seruandis and dependars except Thomas Ker his brother and Williame Ker sone to James Ker of and for the haill kin freinds and allya of umq^{le} Johne Chalmers and Johne Kirkcaldy sum tyme servants to ye said Andro one ye uthir part in maner forme & effect as eftir followis That is to say fforsamekill as be ye contrauersie & actiovn quhilk fell out betwixt ye saidis parties for ye teyndschaves of Innerlethen and ane tak thairof the suddane and unhappie slauchtirs of ye saidis umq^{le} Johne Chalmers and Johne Kirkcaldie and vthirs bluidis and hurtis war done and committit be ye said Sr Walter and his foirsaids w^{t}in the burgh of Edinburgh ffor the quhilk slauchtirs and bluidis done & committit as said is be ye said Sr Walter & his compleces w^{t}in ye said burh The said Andro Ker of Pharnihirst for him selff and takand ye buirding vpone him in maner foirsaid granttis and confessis him to be foullelie satisfeitt contentit assythit and exonerat in honour homages and all vthirs satisfactionis be ye said Sr Walter for the slauchtirs of ye said vmq^{le} Johne Chalmers and Johne Kirkcaldy thane his servitours and for all vthirs bluidis & hurtis committit be him & his compleces ye said day w^{t}in ye said bur^{t} And thairfoir the said Andro for him selff & takand ye buirding vpone him speciallie and expreslie for ye brothir

hale kin freinds and allya of ye saids vmq^le^ Johne Chalmers & Johne Kirkcaldy hes remittit pardonit and frelie foirgevin And be the tennour heirof remittis pardonis and frelie foirgevis the said Sr Walter his haill kin freinds servandis and dependars thair airs and successours the said slauchtirs & bluidis foirsaidis committit be him & his foirsaidis w^t^in ye said burh with all actioun quarrell or deidlie feid q^lk^ may be movit for ye same and faythfullie bindis and oblissis him his airs and successours neither be him selff nor no[ne] of ye brother kin & freindis of the saids vmq^le^ Johne Chalmers and Johne Kirkcaldy niver to chalenge find fault quarrell nor move ony kynd of actioun directlie or indirectlie aganis ye said Sr Walter & his foirsaids nor na vthir persone of quhatsumevir suirname for ye saids offences And that he sall gif & deliver to ye said Sr Walter ane letter of slains for ye saids slauchtirs maid to him in dew forme be ye said Andro and ye brother and ye neirest kin and freinds of ye saids vmq^le^ Johne Chalmers and Johne Kirkcaldy w^t^in the space of nixt & ye first d^y^ of Ja^r^ nixttocum but fraud or gyle. Ffor the quhilk caussis the said Sr Walter for him selff and as lauchfull administratour tutor gouernour and gyddar to Walter Scott his sone and appirand air takisman of ye saids teynd schaves of Innerlethen and takand ye buirding vpone him for ye said Walter his sone band and oblischit him and be thir presentis bindis and oblissis him to mak translation or assignatioun of ye said tak of ye said teynd schaves of Innerlethen in fauour of Andro Ker sone & appirand air to ye said Andro Ker of Pharnihirst lyke as ye said Sr Walter for him selff and takand ye buirding vpone him for his said sone resignis renunces and frelie ouirgifis fra thame thair airs successours & assignyes ye said tak of ye saids teynd schaves of Innerlethen maid to ye said Walter To ye said Andro Ker of Pharnihirst youngar his airs successours and assigneyis with all rycht tytill of richt clame enteres kyndnes and possessioun q^lk^ thay hes had or ony maner of wayis may clame thairto be virtew of ye said tak or ony vthir tytill or action bygane or to cum sway that ye said Andro Ker younger be him selff his administratours or vthirs in his name may peaciably collect gadder uplift use sett & dispone vpone ye saids teyndschaves in all tymis cuming at his pleasour but

stop trowbill or impediment tobe maid heireftir be ye said Sr Walter his sone or thair foirsaids be ony maner of way And ye said Sr Walter band and oblischit him reallie and with effect to gif and deliuer to ye said Andro Ker ye said tak of ye teyndshaves foirsaids betwixt and ye first day of Januar nixtocum to be usit be him as ane rycht and tytill to thame of ye saidis teyndchaves in all tymis cuming And finallie baithe ye parties foirsaids band and oblischit thame to keip mutuall freindschip kyndnes and amitie w^t^ vthirs heireftir in all respectis syclyke as gif ye saids slauchtirs & bluids had niver been committit nor no vthir occasion of evill fallin out betwixt thame And to ye observing keping and fulfilling of thir premisses bayth ye parties foirsaids faythfullie band & oblischit thame vthirs ather of thame as concernis thame for thair awin partis thairof In witnes quhairof ye parties foirsaids hes subscrybit thir present contract w^t^ thair hands day yeir and place foirsaids befoir thir witnessis Sr Johne Murry of Blakbarrony Kny^t^ Richard Rutherfurd of Edgarston James Gledstanis of and Johne Rutherford of Hunthill, w^t^ vthirs diuers.

APPENDIX.—No. IV.

Account of the Attack and Defence of Two Border Strong-holds, extracted from Patton's Account of Somerset's Expedition to Scotland in 1544. *Dalzell's Fragments of Scottish History, p.* 36.

"In the way we should go, a mile and a half from Dunglas northward, there were two pyles or holds, Thornton and Anderwike, set both on craggy foundation, and divided a stone's cast asunder, by a deep gut, wherein ran a little river. Thornton belonged to the Lord Hume, and was kept then by one Tom Trotter, whereunto my lord's grace over night, for summons, sent Somerset, his herald, toward whom four or five of this captain's prickers with their gaddes (i. e. lances) ready charged did right hastily direct their course; but Trotter both honestly defended the herald and sharply rebuked his men, and said, for the summons, he would come speak with my lorde's grace himself; notwithstanding he came not, but straight locked up about 16 poore souls like the soldiers of Dunglas fast within the house, took the keys with him, and commanding them they should defend the house and tarry within (as they could not get out) till his return, which should be on the morrow, with munition and relief, he with his prickers prickt quite his ways. Anderwick pertained to the Lord of Hamilton, and was kept by his son and heir, (whom by custom they call the Master of Hamilton,) and an 8 more with him, gentlemen for the most part, as we heard say. My lord's grace, at his coming nigh, sent unto both these piles, which upon summons

refusing to render, were straight assailed; Thornton by battery of four of our great pieces of ordinance, and certain of Sir Peter Mewtus' hackbutters to watch the loop holes and windows on all sides, and Anderwick by a sort of the same hakbutters alone, who so well besturred them, that when these keepers had rammed up their outer doors, clayed and stopt up their stairs within, and kept themselves aloft for defence of their house about the battlements, the hakbutters got in and fyred them underneath, whereby being greatly troubled with smoke and smother, and brought in desperation of defence, they called pitifully over their walls to my lord's grace for mercy; who notwithstanding their great obstinacy, and the sample other of the enemies might have had by their punishment, of his noble generositie, and by these words making half excuse for them, (men may some time do that hastily in a jeer, whereof after they may soon repent them,) did take them to grace, and therefore sent one straight to them. But ere the messenger came, the hakbutters had gotten up to them, and killed eight of them aloft; one leaped over the walls, and running more than a furlong after, was slain without in a water. All this while at Thornton, our assault and their defence was stoutly continued, but well perceiving how on the one side they were battered, mined on the other, kept in with the hakbutters round about, and some of our men within also occupying all the house under them, (for they had likewise stopt up themselves in the highest of their house,) and so to do nothing inward or outward, neither by shooting of base (whereof they had but one or two) nor tumbling of stones, (the things of their chief annoy ance,) whereby they might be able any while to resist our power, or save themselves, they plucked in a banner that afore they had set out in defiance and put out over the walls, a white linnen cloth tied on a stick's end, crying all with one tune for mercy; but having answer by the whole voice of the assailers, they were traitors, and it was too late, they plucked in their stick and stuck up the banner of defiance again, shot of, hurled stones, and did what else they could, with great courage of their side, and little hurt of ours. Yet then after, being assured by our ernesty, that we had vowed the win-

ning of their hold, before our departure, and then, that their obstinacy could deserve no less than death, pluckt in their banner once again, and cried upon mercie; and being generally answered, 'Nay, nay, look never for it, for ye are errant traitors,' then made they petition that if they should needs die, yet that my lord's grace would be so good to them as they might be hanged, whereby they might somewhat reconcile themselves to Godward, and not to dye in malice with so great danger of their souls; a policy sure in my mind, though but of gross heads, yet of a fine device. Sir Miles Partridge being nigh about this pile at that time, and spying one in a red doublet, did guess he should be an Englishman, and therefore came and furthered this petition to my lord's grace the rather, which then took effect: They came and humbled themselves to his grace, whereupon, without more hurt, they were but commanded to the provost-marshal. It is somewhat here to consider, I know not whether the destiny or hap of man's life; the more worthy men, the less offenders, and more in the judges grace, were slain; and the beggars, the obstinate rebells, that deserved nought but cruelty, were saved. To say on now, the house was soon after so blown up with powder, that more than one-half fell straight down to rubbish and dust, the rest stood all to be shaken with rifts and chinks. Anderwick was burned, and all the houses of office and stacks of corn about them both."

APPENDIX.—No. V.

[The following is a dreadful catalogue of devastation committed on the Scottish frontiers in 1544 by Sir Ralph Evers and Sir Brian Latoun, to whom Henry VIII. had committed the task of avenging his disappointment at breach of the match between his son Edward and the infant Queen of Scotland. The English appear to have become almost entirely masters of the Border-counties, and Henry is said to have bestowed those of Merse and Teviotdale upon Evers and Latoun. But the Scottish nation, although weakened by domestic dissension, recovered their animation sufficiently to avenge this long list of depredation, by the bloody defeat of Ancrammoor, in which both Evers and Latoun were slain. The latter appears to have been buried at Melrose Abbey, which his soldiers had sacked and burned. His tomb was discovered lately with this simple inscription,—*Hic jacet* IVOORS DE CORBRIGGE. The following account of the exploits done at this calamitous period is extracted from Hayne's State Papers.]

Exployts don upon the Scotts from the beginning of July, Anno 36, R. R. Henrici 8th, [1544.]

2d July. Sir George Bowes, Henry Evre, Thomas Beamont, &c. with their companies.

The town of Preston brent. The town of Edram brent. A towre of Patrick Hume's, where they brent the houses about the same, and brought away (six men slain) prisoners' horses 5, nolt 200, shepe 600, 50 naggs, with much insight geare; 6 Scotts slain.

2d July. John Curwern, Rob. Lampleugh, John Leigh, at the commaundment of the Lord Wharton.

The towns of Dronnock, Dronnockwood, Tordoff, Blawitwood, Westhill,

and Scallys brent again, and brought from thens prisonners 40, nolt 160, many shepe and swine, with other insight geare.

3d July. John Carr, his brother, and certain of the garrison of Werke, by the commandment of the Lord Evre.

A stede of Thomas Reppat's brent, besides the Castell of Gryndlar, in the Barnckyn of the said castell, wonn and brought away prisoners 2, geldings 2, nolt 30.

Eodem die. Clement Myschaunce, with certain of the garrison of Berwyke, *per mandat. prædict.*

A stede of Colborne-Speth taken up, brought away nolt 12, naggs 4.

4th July. Thomas Carlyle, Hagarston, part of Sir Geo. Bowe's company, *per mandat. prædict.*

Two miles beyond the Pethes of Dunglas, seased and brought away prisoners 5, nolt 280, shepe 1000.

Eodem die. Rob. Collingwood, John Carr, Thomas Clavering, Metcalf, &c. *per mandat. prædict,* with certein of the mydle marches.

Brent the townes and stedes following, viz. Shapeley, Hownom kirk, Hownom town, Hevesyde, Overgateside, Nethergateside, Corbet-house, Grawbet-Haugh, Mylberie, Growbet Mylne, bothe Growbetts, Hownome Graunge, the Deane Bray, Blake Jak's houses; and brought away certen prisoners, 280 nolt, 200 shepe, 40 horse.

Of the Letters of the Lord Wharton, 10th July.

The Armestrongs of Ledysdall rann two forays, the one to the Lord of Greestone's place, and the other to the Lard of Cardoney's place, and slew there two Scotts, and brought away 12 prisoners, 100 nolt, 800 shepe, certen horses and naggs, with much insight geare; 2 Scotts slayn.

and his sone, John Carr, prisoners, and brought 300 nolt, 600 shepe, and moche insight geare, with 3 basses whiche the Lord Farnyhurst brought to the feld with him.

Sir Raff Evre's Lettres of the — of July.

The Lord Ogle, Sir John Wythyrington, Sir John Dallevill, with other gentlemen of Northumberland, and the garrisons of the midle marches, and some of the east marches, to the nombre in all of 2300 men, burnt thies towns following, viz. Old Rokesburgh and New Rokesburgh, New Town, Stockes Strother, Hotton of the Hill; and rode a foray from thens to Makerston and Rotherfurth, and have gotten in the said townes, 320 hed of nolt, 200 shepe, 60 naggs; and have taken 12 horsemen, and 20 footmen prisoners, and divers Scots slayn.

The Lord Evre's Lettres of the 24th July.

The garrison of Warke rode to a town called Fawsyde Hill, and tooke up the same, and brought away 50 nolt, 12 nags, and 40 shepe.

The said garrison, and the captayn of Norham, and Henry Evre, &c. burnt Long Edname, and hath taken a gret nomber of prisoners, having every of them a nag or a horse with him, and wonn also a bastell-house strongly kept, and brought away 40 nolt, and 30 more naggs, then they had prisonners.

The Lord Evre's Lettres of the 2d August.

The captayn of Norham, Henry Evre, John Horsley, &c. burnt the towne of Hume, harde to the gates of the castle, and all other stedes about hit, save the said castle, and brought away 40 nolt, 60 shepe, other bagages, and toke 2 prisonners.

The Lord Wharton's Lettres of the 5th of August.

The Ledysdayll Scottishmen, accompanied with divers Englishe Bor-

The Lord Evre's Lettres of the 25th August.

John Carre's garrison of Warke and Corhill tooke up a stede called Ketle Shells, wherein they gate 40 kyen and oxen, and 6 naggs.

The same toke up another town, or stede, called Haryell in Lammarmore, and gate 38 kyen and oxen, 8 horses, and moche insight.

Sir Bryan Layton and his company, with Launcelot Carlton, &c. ran a foray up Lamermore Edge to Laughton, and brought away 100 nolt, 140 shepe, and 10 naggs.

The Lord Wharton's Lettres of the 27th August.

The west and mydle marches, with certen Scottishmen, invaded West Tividall upon the Lord of Bucklugh's lands, and burned divers townes and stedes in their way, and went and burnt the Barmkeyn at the Lord of Bucklugh's towere at Branxham, and have brought away 600 oxen and kyen, 600 shepe, certen horse and nags, 200 gayt, and as moche spoyle of insight geare as they could carry away, and have taken 30 prisoners, and slayn 8 Scotts.

The Lord Evre's Lettres of the 27th August,

Sir Bryan Layton, Henry Evre, Robert Collingwood, &c. renged the woods of Woddon, where they gate moche bagage, naggs, shepes, and nolt, and hath slayn about the said woods 30 Scotts; and from thens they went to a towre of the Lord of Bucklugh's, called Mosshouse, and won the Barmkyn, and gate many naggs and nolt, and smoked very sore the towre, and tooke 30 prisoners, and so have they brought away horses and naggs, 180 or 200 nolt, 400 shepe, moche insight geare, and burned the town of Woodon, and many shells and houses in the said wood, and other stedes and mylnes in their way; Scotts slayn 30.

The Lord Evre's Letters of the 3d Septr.

John Carre's company, of Warke, seased and brought away from Old Roksburgh 60 keyn and oxen, 12 horses and naggs.

The Lord Evre's Lettres, 6th Septr.

Sir Bryan Layton, captayn of Norham, Thomas Goore, Henry Evre, &c., with the captayn of the Irishmen, burnt Littletoun Hall and stables, and all the other houses thereabouts, saving the stone house and likewise Rotherfurd, clerely, with many castell houses in the same. After Thomas Gore, &c. went to the towre and towne of Dawcove, and assaulted the same, wherupon it was given over, and they tooke 9 prisoners, and burnt and spoyled the same, and brought away 50 prisoners, 6 slayn, 260 nolt, certen horses and shepe, and a great substaunce of insight geare, and burnt such other steds as wer in ther way.

The Lord Wharton's Lettres, 6th Septr.

The west marches burnt the town of Crookedmoore, the Maynes of Hodholme, the townes of Hodholme, Souplebank, Pellestells, Lard Latymer's lands, the towns of Bushe, Bronelands, Holme, and Crooke, and all the peill's houses, corn, and steds within Hodholme. The same burnt the townes of Myddelby and Haglefleigham, and all the pelis houses, corn, and steds in Myddelby and Myddelby Woods; and in there return burnt Bonshaw, Robgyll, and all the houses, peills, steds, and corn in ther way;—4 Scots slayn.

Sir Raff Evre's Lettres, 6th Septr.

Sir Raff Evre, Sir John Wytherington, Sir John Delavale, &c. brent the town and churche of Eckforth, and wonn and burnt the Barmkyn of Ormestone, and wonn by assault the Mosse Tower, and burnt the same, and slew 34 within it; and above theis, burnt thies towns following, Grymsley, Holton of the Hill, Old Rocksborough, Crallyng, and Craillingcoves, and brought away 320 nolt, 600 shepe, and moche corn burnt in the houses, threshen, and stacks in the fields; and gotten in the said towre 100 horse lode of spoylage, and 80 prisoners; 34 slayn.

Sir Raff Evre's Lettres, 14th Septr.

The Crosyers, Ollyvers, Halles, and the Trombles, which ar entered bond with England, have gotten a castel in Tevedaill, called Egerston, by pollicie, and in wyning thereof slew 2 Scots standing in the defence thereof, and they have left in the same 20 of their company, and keepeth the same; 2 Scotts slayn.

Sir Raff Evre's Lettres of 17th Septr.

Threescore of Ryddesdall, with the Halls, Olyvers, Trombles, Rudderforths, and Crosyers aforesaid, dyd an exployt in Scotland thre myles beyond Mewres, and there toke up a town named Beamontsyde, and hath taken 20 prisoners, 120 nolt, and hurt divers Scottishmen.

The Lord Evre's Lettres of 17th Septr.

The garrison of the east marches have gotten moche corn out of Scotland. The same brought of Scotland, at two severall tymes, 100 nolt, 280 shepe, 30 naggs, and certen prisoners.

The Lord Evre's Lettres of 20th Septr.

The garrisons of Warke, &c. hath gotten of late, out of Scotland, 100 nolt, 28 horse.

The nomber of fyftie of the garrison of Barwyke gate 60 nolt, 200 shepe, 8 naggs.

William Buckton, and John Orde, accompanied with Sir George Bowes folks, seased in Lamermore and brought away 100 nolt, 600 shepe, 12 horse, and insight geare.

Sir Raff Evre's Letters of 27th Septr.

Tyndall men burnt a great substance of corn in a town called Drymanes, and wonn a pyle, and brought away 200 nolt, and moche insight; 6 Scotts slayn, and 16 taken.

Also the Crosyers, Scottishmen, &c. hath taken up a town called Draplaw, belonging to the Abbot of Jedworth, and gate a great substance of nolt and shepe, and insight geare.

The Lord Evre's Lettres, 27th Septr.

The est marche, with part of the midle marches, wanne the Churche of Eales by assault, and slew 80 men in the said abby and town, the most part being gentlemen, and of hed surnames, and hath taken 30 prisoners, and burnt and spoyled the said abbay and towne, saving the churche; and gate within the same house, churche, and barmkyn, 160 nolt, 120 horse and naggs, a grete substance of insight geare; Scotts slayn, 80; prisoners, 30.

Certain of John Carre's company not knowing of the rode aforesaid, wer ryden into Marse, to a town called Stochill, and gate therein 50 nolt and 12 naggs.

The garrison of Barwyke have brought out of the est end of the Marse 600 bolls of corn, and took one Patrick Hume, brother's son to the Lard of Ayton.

Sir Raff Evre's Lettres, 29th Septr.

Threscore of the Scottishe men in assurance, with Sir Raff Evre's priest, &c. with Tyndall and Riddesdaill, have taken up a town called the Faunes, longing to the Lard of Mellerstone, and have brought away 200 nolt, 80 horses, with much insight geare; 30 prisoners taken, and 30 Scotts slayn.

The Lord Wharton's Lettres, 1st October.

One hundred of the Armstrangs of Lyddysdall brent two towns in Dryvisdayll, in Scotland, called Over Hawhill and Nather Hawhill of the Lard of Applegarth's lands, and brought away 6 prisoners, 30 nolt, 6 horses or naggs, 50 shepe, with all the insight in both the said townes.

Certain Inglyshe and Scottishe men burnt a town in Tividaill, called Roderford, and spoyled the same.

The Lord Wharton's [Lettres] of 3d Oct.

John Grayme, with divers of Canabye, and the Batablers, burnt the town of Dumbertann, in Averdaill, with all the houses and corn there.

The Batysons and Thompsons of Eshdaill, have burnt a town called Grenge, with all the corn there, and brought away nolt and other goods, amounting to eche of them in their dividing, 8*s*.

The Lord Evre's Lettres of 3d Oct.

Certen of John Carre's company, of Warke, ranne a foray to Long Edname, and brought away 100 nolt, 30 naggs, 60 shepe.

William Buckton, and John Orde, two of the constables of Berwyck, accompanied with Clement Myschaunche, &c., rode to a place called Akyngawle, and brought from thens 80 nolt, 100 shepe, 20 naggs, and 12 prisoners.

Sir Raff Evre's Lettres, 4th Oct.

Tyndall and Ryddesdaill men wer in Scotland, and hath gotten and burnt much corn, 100 hed of nolt, 30 naggs, 10 prisoners, moch insight geare.

The Lord Wharton's Lettres of 7th Oct.

The west marches brent the Manner of Mewby, a town called Comertrees, another called Hawys, and other villages, and corn that way, and brought away 12 prisoners.

Sir Raff Evre's Lettres, 8th Oct.

The garrisons of the midle marches burnt a town called Howston, with all such corn as was about the same, and brought away 1200 hed of nolt and naggs, and 10 prisoners.

The Lord Evre's Lettres, 8th Octobris.

Forty men of the east marches burnt a towne of Newbyging, and brought away from thens 100 shepe, 4 nolt, 4 naggs, and 4 prisoners.

Certen of the garrison of Warke tooke up two stedes in Lamermore, called Hewdridge and Burnhouses, and there gate 31 nolt, 4 naggs.

The same rann a forray to Mylnerige, &c., there gate 23 keyn and oxen, 40 shepe, 12 naggs.

The garrison of Cornell, &c., ranne a forray to Rawburne, and there gate 70 nolt and 12 naggs.

And after came to Mersington, and gate the tower, and spoyled and burned the same very sore.

Certen of the garrison of Norham, &c., rode to Otterburn, and tooke up the same, and gate there 50 keyn and oxen, 5 naggs, 10 nolt, and 2 naggs.

Sir Raff Evre's Lettres, 13th Octobris.

Tindall and Ryddesdall, with certain Scottismen, as the Croseys, &c., tooke up a town of the Abbot of Glasco's, and gotten in the same 30 naggs, 40 nolt, 6 prisoners; slayn divers Scotts.

The Lord Wharton's Lettres, 18th Octobris.

Certen of the Batysons of Eshdaill dyd reif a town nere to Pebles, and brought away the goods of the same.

The Batysons, Thomsons, and Lytles, of Eshdaill, Ewesdaill, and Wacopdaill, burnt a town upon the Water of Dryff, called Blendallbush, and brought away 16 oxen and keyn, sum naggs, with all the insight in the town.

Eight Scottish men burnt a town of the Lord Maxwell's, called Lockerwood, and all the corn of the same. The same tyme, they and certen others burnt a town caled Hutown. Item, burnt certain houses and barnes of David Jerdain's, slew his son, 8 nolt, with much insight gere, 2 prisoners; 1 Scot slayn.

The Lord Evre's Lettres of 23d Octobris.

Certen of John Carre's garrison rode into the Marse to a stede called Todrige, and gate 6 horse and mares, 18 kyne and oxen, 40 shepe.

The same rode into Tividale, to Fynles, and there gate 44 kyne and oxen, 23 naggs, 40 shepe, 40 bolls of corn.

Thomas Carlysle, &c., rode a foray to Dunglas, and there seased and brought away 80 nolt, 200 shepe, 22 naggs.

A rode made to a stede called the Hayrehed, and there they gate 30 nolt, 3 or 4 naggs.

William Buckton, and John Orde, &c., rode to a place called Craynshaws, and other stedes thereabouts, and brought away 400 nolt, 2,400 shepe, 50 horses, insight geare, 20 prisoners; slew 5 Scotts.

The Lord Wharton's Lettres of 27th Octobris.

The Batysonnes, Thompsons, and Litles, Scottishmen, burnt a town upon the Water of Lyne, brought away as muche boutie as was to eche of them 10*s.*

Certen of the Armestrangs of Lyddesdaill wan and spoyled the tower of Langhope, brought away all the goods in the same, and 4 prisoners.

Sir Raff Evre's Lettres, 27th Octobris.

Certen Scotyshmen, as the Croseys and Trombles, have taken up a town called Hardmaston, and burnt the same, and the corn therein; six Scotts slayn.

Certen Tyndall, and certen Scottishemen, rode to a town called Raplaw, and burnt the town and brought away 6 prisoners, 80 hed of nolt, with much insight gere.

Sir Raff Evre's Lettres, 28th Octobris.

Mr Norton, Mr Nesfeld, &c., rode to a town of the Lord of Bonjedworth, and burnt hit, and brought away 10 prisoners, 100 nolt, 200 shepe.

Sir Raff Evre's Lettres of 29th Octobris.

John Hall of Otterburn, with certen Ryddesdall, and 600 Scotyshmen,

ranne a forrey to Ankeram, and have gotten 200 nolt, 100 horse, with moche insight; 80 prisoners, 40 slayn.

The Lord Evre's Lettres of 4th Novembris.

The garrison of Cornell, and Thomas Foster's company, &c., rode into the Marse, to a town called Gordon, and there tooke up the same, and brought away 85 nolt, 18 nags, 40 shepe, 10 prisoners, and insight geare.

Certen of the garrison of Warke rann a forrey to a town called Fernington, longing to the Erle Bothwell, and there burnt a castell house, and in the same 3 men and 16 keyn and oxen, and brought away 20 nolt, 10 naggs, 20 shepe; 3 Scotts slayn.

A stede in Lammermore, called Jeffyle, was taken up, and brought away 18 kyen and oxen, 2 horses, and insight geare.

A stede, with a bastell, called Prestley, was burnt, and 4 or 5 other villages taken up the same tyme, and brought away 80 nolt, 389 shepe, 10 nags, 8 prisonners.

A town in the Marse, called Pretency, taken up, and brought away 20 keyn and oxen, 6 naggs, 40 bolls of corn.

The said garrison of Warke toké up two townes called Forgo and Susterlands, and brought away 67 kyen and oxen, 12 naggs, 50 bolls of corn, 4 prisoners.

Sir George Bowes, and his company, &c., rode to a towre in the Marse, called Brome-Towre, longing to Patrick Hume, and wann the same by assault, and slew therein 14 men, and burnt it and kest it down, and brought away 2 hagbushes and dim-hake, 40 nolt, 12 naggs, 100 bolls of corne threshed, and burnt 200 stacks, containing, by estimate, 2000 bolls; 14 Scotts slayn.

Sir Raff Evre's Lettres of 5th Novembris.

The mydle marches burnt 3 townes, called, Lassedon, longing to the Lord James; Maxton, longing to David Litleton; Langnewton, longing to the

Lard of Gradon, and toke up in the same 140 nolt, with muche insight, 24 naggs.

And in Lassedon burnt 16 strong bastell houses, and sundry that held the same slayn, and a grete quantitie of threshed corne, and many stacks of corn burnt, sondry prisoners taken, and among other, David Litleton's son and heyre, and brought away 1 prisoner.

The Lord Wharton's Lettres of 7th Novembris.

The Batysons, and other Scottishemen of Eshdaill, wanne a towre of the captaynes of Edinburgh Castle, called Burdlands, spoyled and brought away all the goods therin, burnt all the roofs within the walls, and coming home, tooke 40 oxen and kyen.

The Armestrangs of Lyddesdaill brent a place called Hallroul, with a mylne and a town thereunto adjoyning, and ther slew a Scott, and, in ther return, burnt a town called the Wyndes, and brought away 80 shepe, 40 nolt, 12 horse and mares; 1 Scott slayn.

Sir Raff Evre's Lettres of 7th Novembris.

Robert Kerr, the Lord of Farnyhurst's son, with all the other Scotishmen that are in assurance, to the nomber of 600 horsemen, took up two townes, called Eyldon and Newbron, and brought away 800 nolt, besides shepe and naggs.

Tyndall and Ryddesdaill men, with the said Scotts, took up certen townes called Smallom, Smallom Crag, Newstede, Lytle Merton, Reidpethe, and toke 100 prisoners, and brought away 600 nolt, 100 horse, with much insight; 100 prisoners taken.

The Lord Fernyhurst's Lettres.

The Scottishmen and Englyshmen together have burnt Old Melrose, and overrunn Buckleugh, brent Langnewton, and ran to Bewellye, Belsys, and

Raplaw, and gate the goods thereof, brent Maxton, Sainct Baylles, Lassendon, and gate a gret substance of nolt, besides shepe, horses, and mares.

Item, they ran to Koldenknowys, and gate the goods of Reidpeth, Boderstanys Crag, Lydgartwood, and ran to the Newton and Stitchell. They gate 600 nolt, and 800 shepe.

Item, they ran to Havyn, and Mellastanys, and Nenthronn, and gate the goods thereof, and 300 kyen and oxen.

The Lord Evre's Lettres of 9th Novembris.

John Carr of Wark, with his company, ran a forrey to Smellam town, and gate 123 nolt, and 8 naggs.

John Carr, Thomas Forster, &c., rode to a town called Liegerwood, and gate 50 nolt, and insight geare worth 100 marks.

In the return, burning first as moche as wold burn of the said town, they burnt a town called Fawnes, and wan a bastell house at Smellam Mylne, and other 2 bastell houses at Nanthorne and Little Newton, and gate 16 naggs, 12 nolt, 40 shepe, and toke certen prisoners.

Sir George Bowes, Sir Brian Layton, &c., burnt a market-town called Dryburgh, with an abbay in hit, all saving the churche, and a great substance of corn, and brought away 100 nolt, 60 naggs, 100 shepe, moche spoylage, and insight gere.

Sir Raff Evre's Lettres, 14th Novembris.

Riddiesdale and Tyndall, and certain Scottishemen, rode into Lawderdale, and there have gotten 80 nolt, 30 prisoners.

The Lord Evre's Lettres of 17th Novembris.

The Abbay of Coldingham won, and kept to the king's majesties use.

Sum total.

Touns, towers, stedes, barnekyns, paryshe-churches, bastell-houses, 192

Scotts slain	403
Prisoners taken	816
Nolt	10,386
Shepe	12,492
Nags and geldings	1296
Bolls of corn	850
Insight geare, &c.	(to an amount apparently unknown.)

[This account of the summary and extensive devastation inflicted on the Scottish Borderers by the order of Queen Elizabeth, was designed to revenge the insult done to her authority by the Lords of Buccleuch and Fairnihirst, and other Border chiefs attached to the cause of Queen Mary, who received and protected, both against the authority of the Scottish Regent and that of England, the Earl of Westmoreland, and other fugitives concerned in the great northern rebellion. Elizabeth had this additional motive of resentment, that upon the very night on which the Regent Murray had been shot in the streets of Linlithgow, the clans of Scott and Kerr had entered the marches of England, and burned, wasted, and spoiled with more than usual cruelty. The account of the severe measures of retaliation which follows is extracted from the Cabala.]

A Note of a Journey into Tividale by the Earl of Sussex, her Majesty's Lieutenant in the North, begun the 17*th of April,* 1570, *and ending the* 22*d of the same.*

THE 17th of April, 1570, the Earl of Sussex, and the Lord Hunsdon, governour of Berwick, with all the garrisons and power of the east marches, came to Wark, and entred in to Tividale in Scotland the 18th, at the break of the day, and burnt all castles and towns as they went, until they came to the Castle of Moss, standing in a strong marsh, and belonging to the Lord of Fernhurst, which they burnt and razed, and so burnt the country, untill they came to Crailing. The same day Sir John Foster, with all the garrisons and force of the middle marches, entred into Tividale and Expesgatehead, 16 miles from Warke, and so burnt all the country, until they came to a strong castle, called , in the possession of the mother of the Lord of Fernhurst, which he burnt and razed; and so burnt all other castles

and towns, untill he came to Crailing, where both companies met, and so went up the river of Tivit, and burnt and threw down all the castles and towns upon that river, until they came to Jedworth, where they lodged.

This day the Lord of Chessford, warden of the middle marches, with the principal men of his kind, who never had in person received the rebels, nor invaded England, and yet had evil men that had done both, came in to the lord-lieutenant and submitted himself, and offered to abide order for his men's offences, whereupon he was received as a friend, and he and all his were free from any hurt.

The 19, the army was divided into two parts, whereof the one did pass the river of Tivit, and burnt and razed the Castle of Fernhurst, and all other castles and towns of the Lord of Fernhurst, Hunthill and Bedroll, and so passed on to Minto; and the other part of the army burnt in like sort on the other side of the river Tivit, until he came to Hawick, where it was intended to have lodged that night, for that the bailiffs had the same morning offered to receive the army, and had, therefore, their town assured; but, at the coming thither of the army, they had unthatched their houses, and burnt the thatch in the streets, and were all fled, so as no person could well enter for smoak, which caused lack of victuals, lodging, and horse-meats; and therefore the fire began by themselves in the straw, burnt the whole town, after saving Don Lamoreck's* castle, which, for his sake, was spared, and all the goods of the town in it. The 20th, the army went to Branshaw,† the Lord of Bucklough's house, which was wholly overthrown with powder, and there divided and burnt, on the north the river of Tivit, more into the inland, all the castles and towns in that country, which belonged wholly to the Lord of Bucklough and his kinsmen, and returned that night to Jedworth. The 21st, the army divided, and one part went to the river of Bowboat,‡ and burnt all on both sides

* The Castle of Douglas of Drumlanerick, now the Tower-Inn. Drumlanerick, with most of his name, belonged to the king's faction, and was favoured of course by the English.

† Branxholm Castle. ‡ Bowmont.

of that river; and the other part went to the river of Caile, and burnt all on both sides of the river, and met near to Kelsaw, where the lord-lieutenant lodged that night, of purpose to beset Hume Castle in the night, and the Lord of Hunsdon and the other part went to Warke to bring the ordnance thence in the morning, which was disappointed by the negligence of such as were left in charge, who suffered the carriage horses to return after the ordnance was brought thither; so as for lack of horses to draw the ordnance, the army was forced to return to Berwick the 22d, all which time there was never any shew of resistance. And the same time the Lord Scroope entered into Scotland from the west marches the 18th, &c., during which time the marches in all places were so guarded, as the Scots that did not shew themselves to offer fight in the field, durst not offer to enter into England; so as in the absence of the army, there was not one house burnt, nor one cow taken in England, and it is conceived, by such as know the enemies part of Tividale, that there is razed, overthrown, and burnt in this journey, about fifty strong castles and piles, and above 300 villages; so as there be few in that countrey that have received the rebels, or invaded England, that have either castle for themselves, or houses for their tenants, besides the loss and spoils of their other goods, wherein nothing is reckoned of that was done in the other parts by the Lord Scroope, for that it was not done within the county of Tividale, &c.

The Rode of the Lord Scroope, Warden of the West Marches of England, into Scotland.

Who the 17th of April, at ten of the clock at night, with three thousand horse and foot, came to Ellesingham on the Wednesday at night, and burned that town in the morning, being from Carlile twenty miles.

On Thursday he burned, besides Hoddom, the Maymes, the town, and all the houses, which is the Lord Herry's, and from Carlile sixteen miles.

That day they burned Trayle-trow, which is the Lord Maxwell's, from Carlile sixteen miles.

They burned the town of Reywell, which is the Lord Copland's and the Lord Homeyn's, from Carlile eighteen miles.

They burned the house of Copewell, and the demesne of the Lord Copland's, from Carlile nineteen miles.

They burned the town of Blackshieve, which is the Lord Maxwell's, from Carlile twenty miles.

Item, The town of Sherrington, of the same, twenty miles.

Item, The blank end of the same lord's, twenty miles.

Item, The town of Lowzwood of the same lord's, twenty miles.

Goods taken the same rode, one thousand neet, and one thousand sheep and goats.

Of the Scots are taken one hundred horsemen, within a mile of Dunnforest.

APPENDIX.—No. VI.

Account of the Borderers, translated from Leslæus, de Origine, Moribus, et Rebus gestis Scotorum.

AMONG all the provinces of Scotland, those which are situated next to England assume to themselves the greatest habits of licence, in which they frequently indulge with impunity. For as, in the time of war, they are readily reduced to extreme poverty by the almost daily inroads of the enemy, so, on the restoration of peace, they entirely neglect to cultivate their lands, though fertile, from the fear of the fruits of their labour being immediately destroyed by a new war. Whence it happens that they seek their subsistence by robberies, or rather by plundering and rapine, (for they are particularly averse to shedding of blood;) nor do they much concern themselves whether it be from Scots or English that they rob and plunder, and carry off by stealth their booty of horses, cattle, and sheep. They live chiefly on flesh, milk, and boiled barley. Their use of bread is very limited, as well as of good beer and wine, in neither of which they take much delight, even when they obtain them. Their residences consist of huts and cottages, about the burning of which they are nowise concerned. The chiefs construct for themselves a pyramidical kind of towers, which they call *peels*, made entirely of stone, and which cannot be demolished by fire, nor thrown down without great force and labour.

There are, however, among them, chiefs of noble rank, some of whom, although they commit no depredations openly themselves, do, notwithstanding, lest they should give offence to their own tribe, connive at those done by others, even though they do not participate in the plunder. Of this they are highly careful, lest, if they should behave harshly to their own people in time of peace, they should find them less obedient at the approach of war. And although there may be some few men of influence, who are sincerely earnest about justice and civil affairs, yet they cannot resist the multitude, who are so hardened by their inveterate habits, that they have become as it were a second nature.

Besides, if the chief men should require auxiliary forces from the king against those robbers, as has been often attempted, they only lose their labour. Indeed, these plunderers are so well protected by the nature of the ground, that should they be forced out from their thickest woods, they instantly betake themselves to the rugged mountains; if again they are expelled from these, they take their flight towards the banks of rivers and the marshes. If they shall still find it necessary to remove quarters, they next, with perfect safety to themselves, entice their pursuers into some of the most intricate parts of the marshes, which, though to appearance they are green meadows, and as solid as the ground, are nevertheless seen, upon a person's entering upon them, to give way, and in a moment to swallow him up into the deep abyss. Not only do the robbers themselves pass over these gulfs with wonderful agility and lightness of foot, but even they accustom their horses to cross many places with their knees bent, and to get over where our footmen could scarcely dare to follow; and, chiefly on this account, they seldom shoe their horses. They reckon it a great disgrace, and the part of a mean person, for any one to make a journey on foot, whence it follows that they are mostly all horsemen. If, therefore, they be possessed of nimble horses, and have sufficient wherewith to ornament their own persons and those of their wives, they are by no means anxious about other pieces of household furniture.

What some have said of the Scots being in the practice of living on human flesh, cannot be ascribed to any others than these Borderers, and not to them all, but only to those of Annandale; indeed, our writers do say, that only the Ordovici, who inhabited the modern Annandale, were wont to feed upon the flesh of their captives, whom they also distinguish for a farther piece of cruelty, that the women, namely, should with their own hand kill their husbands who had been vanquished in war, on their return home, as if the fact of being defeated was sufficient indication of cowardice, which they looked upon as the highest crime in a man. But the ferocious habit of a small tribe, which is long since disused, ought not to be ascribed to the whole nation of the Scots; much less that which is quoted from D. Hieronymus, that one of the Scots themselves was seen in Gaul to eat human flesh, although some were of opinion that he was a Scythian. They might as reasonably also be pleased to affirm, upon the evidence of a single instance, that all the Scots at this day live upon raw salmon, even when newly taken out of the rivers, without salt or bread; for there is an instance, quite familiar to us, of a man very noted among ourselves, called Monanus Hogg, who had been condemned to exile in his youth, and, unknown to any, had concealed himself for some time near a certain river, where he could find no meat at all, and perceiving that he could easily catch salmon upon the sandy shallows by an art which he had learnt before, he forthwith caught and ate them raw, and became at length so inured to that sort of food, that, when an old man, he was often seen to eat freely, and without the least disgust, as much raw salmon as many others could do of the best fish boiled, and that in the presence of several who would not believe it; a wonderful instance how pressing a thing want is, in cases of adversity, and how powerful is custom, that second nature.*

But I return to our Dalesmen, or Borderers, in whom, though some

* In the curious account of the Tonga Islands, by Mr Mariner, it appears that he easily acquired the habit of eating raw fish among the South Sea islanders.

things are to be noticed to their dispraise, yet there are others to be greatly admired; for most of them, when determined upon seeking their supply from the plunder of the neighbouring districts, use the greatest possible precaution not to shed the blood of those that oppose them; for they have a persuasion that all property is common by the law of nature, and is therefore liable to be appropriated by them in their necessity, but that murder and other injuries are prohibited by the Divine law. If, however, they do commit any voluntary slaughter, it is generally done in revenge of some injury, but more frequently of the death of some of their own relations, even though it be in consequence of the laws of the kingdom. Then arises a deadly hatred, not of one against one, or a few against a few, but of them all, how numerous soever the tribe may be, against all of the opposite name, however innocent or ignorant of the alleged injury; which plague of deadly feud, though a general calamity through the kingdom, is chiefly proper to these people.

To their praise it may be added, that having once pledged their faith, even to an enemy, they are very strict in observing it, insomuch, that they think nothing can be more heinous than violated fidelity. If, however, any one shall be found guilty of this crime among them, it is usual for him who has received the injury, or any one of his name, to suspend the culprit's glove upon the top of an elevated spear, and to ride about with it, exhibiting it in reproach of his violation of faith, which is done in their solemn conventions, as, for example, in those while the wardens of the marches of both kingdoms are sitting to make amends for injuries, according to custom. They think there cannot be a greater mark of disgrace than this, and esteem it a greater punishment even than an honorable death inflicted on the guilty person; and those of the same tribe frequently resent it in the same manner. Nor indeed have the Borderers, with such ready frenzy as many others of the country, joined the heretical secession from the common faith of the holy church. They take great pleasure in their own music, and in their rythmical songs, which they compose upon the exploits of their ancestors, or in their

own ingenious stratagems in plundering, or their artificial defences when taken. Besides, they think the art of plundering so very lawful, that they never say over their prayers more fervently, or have more devout recurrence to the beads of their rosaries, than when they have made an expedition, as they frequently do, of forty or fifty miles, for the sake of booty.

They leave their frontiers in the night time in troops, going through impassable places, and through many bye paths. In the day time they refresh their horses, and recruit their own strength, in hiding places prepared before-hand, until the approach of night, when they advance to their place of destination. Having seized upon their booty, they in the same manner return by night, through circuits and bye-ways, to their own habitations. The more expert each leader is in making his way through these dreary places, windings, and precipices, in the darkest night, he is so much the more accounted a person of superior ingenuity, and held in greater honour; and with such secrecy can they proceed, that they very rarely allow their prize to be recovered, unless they be sometimes tracked by their opponents, when discovered by keen scented dogs, who always follow them in the right path.

But if they are taken, their eloquence is so powerful, and the sweetness of their language so winning, that they even can move both judges and accusers, however severe before, if not to mercy, at least to admiration and compassion.

APPENDIX.—No. VII.

Bond of the Lairds of Buccleuch, Hunthill, Bon-Jeddart, Edgerstane, Hunthill, Greenhead, Cavers, and Reidheugh, engaging themselves to support the Authority of Sir Thomas Kerr of Fairniherst as Warden of the Middle Marches.

We undersubscriband inhabitantis of the middle marche of this realme foranent England, understanding how it has pleasit the K. ma^{tie} o^{r} souerane lord to mak and constitute Sr Thomas Ker of Pharnyhirst kny^{t} his hienes wardane and justice o^{r} all the boundis of the said middle marche and acknawlegeing how far we ar debt bound to the seruice of o^{r} souerane lord be o^{r} counsell and forceis to be imployit in the assistance of his said wardane in all thingis tending to the gude rule and quietnes of the said middle marche and furthsetting of his hienes auctoritie agains thevis trito^{rs} rebellis and vthers malefacto^{rs} to thair dew pvnisement, and defence and saulftie of trew men, Thair foir, We be bundin and oblist and be the tenno^{r} heirof bindis and oblissis ws and everie ane of ws that we sall trewlie serve the k. ma^{tie} o^{r} souerane lord and obey and assist his said wardane in the premiss and sall concur wth other in geving of o^{r} advise and counsale or w^{t} o^{r} forceis in persute or defence of the saides thevis traito^{rs} rebellis & vthers malefacto^{rs} disobedient to o^{r} souerane lordis auctoritie or disturbers of the publict peax and quietnes of the realme as we salbe chargit or warnit be oppin proclamationes missives baillies or vthers the like accustomat formes as we will as^{r} to his hienes vpoun o^{r}

obedience at o^r heichest charge and perrell qrin gif we salbe found remisse or negligent, we ar content to be repute haldin and estemit as fauourers and partakers w^t the saides theves traito^ns rebellis and malefactouris in thair treasonnable and wickit deidis and to be callit persewit and pvnist y^r foir according to thir lawis in example of vtheris Subscriuit with o^r handis

BUKCLVCHE
ANDRO RUY^TFURD of Hundelle
GEORGE DOWGLASS of Boun Jedward zoun^r
RECKART RUY^TFURD of Edzerton
JHON RUY^TFURD of Hunthill
ANDRO KER of Greinheid
WILLIAM DOWGLEISS of Ceveris
ROBERT ELLOT of Ridhewcht.

The Complaint of Sir Thomas Kerr to the Queen for Breach of Bond of Assurance by the Turnbulls.

[This complaint refers, in all probability, to some such engagement as that in the preceding article. The Laird of Bedrule was chief of the Turnbulls, and it would seem that he disputed Sir Thomas Kerr's right to the kirk lands lying within that parish, a circumstance which led to the assault here related.]

MADAME vnto zo^r grace humblie meins and schawis I zo^r seruito^r Johne Ker of Fairnyharst kny^t That quhair it is not vnknawin to zowr grace of ye appoyntment and assurance laitlie maid and tane at zo^r graces desyre and ordinance betwixt ye surnames of ye Kerris Scottis Trumblis and Rutherfurdes ffor thair selfis yair kyn freyndis seruandis and alya for gude rewll to be keipit amangis ws for keping of ye qlk we ar everilkane bundin to wtheris vnder particular panis and grit sowmes of monye as ye appoyntment maid yairvpoun proportis Nothyeless Thomas Trumbull of Bedrewll ane of ye principallis bundin for yat surname be himself his seruandis and compleces in his name of his causing command assistance and ratihabitioun recentlie vpoun ye last day of Maij lastbypast come to my kirklandis of Bedrewll pertening to me in tak and assedatioun and yair cruelly inuadit Thomas Scott and Bartie Wallanche my seruandis for yair slauchter and gaif yame diuers and syndry bauch straikis in yair bodyis and had no^t beine ye better redding yaj being for ye tyme in sempill maner w^tout ony walpynis frechand furth my coirnis yan standing vpoun my saidis kirklandis and maisterfullie and be force put yame yairfra quhairthrow my saidis cornis standis as zit in grit parrell vndesponit and nane of my seruandis dar fraichowt ye samyn w^tout I mak as-

sistance of freindis quhilk may genner gritter inconuenience And inlikwise George Trumbull in Halrewll laitlie vpoun y^e . . . . . day of Maij lastbypast come to my landis of Halrewll and yair maisterfullie on force and be way of deid stoppit my plewis beand yan teland my landis and chaisit my seruandis yairfra and wald no^t suffer yame to laub6^r ye ground yairof And atto^r ye said Laird of Bedrewll w^t uytheris his compleces to grit nummer boddin in feir of weir be way of hame sukkin come to the landis of Swynne pertening to Adame Kirktoun my seruand and kynnisman and yair vpoun ye ix and x dayis of Junij instant caist certaine turwes and elding to grit quantatie w^tin ye boundis of ye said Adamis landis quhair never turwes wer cassin of befoir Quhairthrow ye saidis personis hais no^t onlye committit manifest oppressioun vpoun me and my seruandis but alswa hais plainlye brokin ye said appoyntment and assurance and incurrit ye panis contenit wythin gevand occasioun to ws to brek ye samyn hairfoir I beseik so^r grace that ze will caus warne ye said Thomas Trumbull of Bedrell and George Trumbull to compeir befoir zo^r grace at ane certaine day as zo^r grace pleiss to assigne to heir it be sufficientlie provin y^t yaj haif brokin ye said appoyntment and assurance threw ye occatioun abone expremit And ye samyn being provin to heir yame be decernit to haif incurrit ye panis contenit wythin and to pay ye samyn efter ye forme and tenno^r of ye said appoyntment and to desist and ceis fra siclik inuasionis molestationis and trublis in tymes cuming and to suffer me wse my saids landis and coirnis being yairvpoun and to dispone vpoun ye samyn at my ples^r w^tout molestatioun or impediment of yame or ony way yat yaj may vnder sic panis as zo^r grace pleis to put yairvpoun for ye caus foirsaids according to justice and zo^r graces ans^r humlie I beseik

(Indorsed on the petition)

Apud Edinbur^t xvij^t Junij a c Lvij z^ds.

The quenis grace ordanis ane off^r of armes to charge ye personis complenit vpoun to compeir befoir hir grace ye tent day of July next tocum to ans^r to yis complaint eft^r ye forme and tenn^r w^tin written and to desist and ceas fra all fordar molestatioun of ye complainer vnder ye pane of forfalt^r of ye assurance and incurring of ye panis contenit y^rintill And y^t ye off^r foresaid charge ye personis complenit vpoun to compeir at ye day foresaid vnd^r ye pane of rebellioun

MARIE R.

Vpoun ye secund day of July the zeir of God aboue writtin I James Langlandis messenger past at command of ye quenis grace deliuerance aboue specifait and chargeit Sr Thomas Trumbull of Bethrewle kny^t and George Trumbull in Hawrewll baith personalie apprehendit to compeir befoir hir grace ye tent day of Julij nixt tocum to ans^r to ye complaint within specifiit and to desist and ceis fra all forther molestatioun of ye complener w^tin written vnder ye panes particularlie aboue specifiet efter ye forme and tenno^r of yis deliuerance forsaid Quhairof I deliuerit ane just copy to . . . . . spous to ye said Sr Thomas Trumbull quha ressauit ye samyn in his name and yis I did befoir yir witness^e Johne Notman Williame Trumbull Hob Slowne James Robesoun w^t utheris divers and for mair witnessing my signete is affixt

(L. S.)

APPENDIX.—No. VIII.

Copy and Form of a Bill fouled at a Warden Court, under the hand of the Warden Clerk.

The x day of October ye lix zeire at ye day trewe haldin at Hekspe^t^ gait heid be my Lord Bo^t^well and Sr Walter Ker of Cesfurde kny^t^ vardane principale of ye mydill marches of Scotland and my Lord of Northumberland, vardane principale for ye partye of Ingland At ye quhilk day wes deliuerance of all billis of bai^t^ ye realmes.

THE quhilk day Hob Olyfer's bill of ye Rotrohill wes sworne be him selfe. Item, oxin vj It. of ky viij Item ane stot xxx Scotts shillings Item ane qwy of the same price Item ane quhit horse xvj ^xx^ of grotts Item ane purse and iij and x grottis in it It. ane pair of quhit hoise ye pece x grotts It. ane pair of lynning sheitts xii grotts I^t^ ane pair of hardin sheits viij grotts I^t^ twa cuirlotts xviij grotts I^t^ twa speirs xx grotts Item ane kirtill of russet xxx grotts Item thre curtshawes of lynnyng clait xv grotts I^t^ ane pair of plewe irnes x grotts Wm Hall Inglisman deliurit for yis bill and borowit agane be ye Lord of Northumberland fra my Lord Bothwell xv dayis And ye said Lord Bothwell band him his aurs and assignais to S^r^

Johne Ker of Farnyhirst, kny^{t} and to his aires and assignais to deliuer to him ye said Wm Hall or else ane falto^{r} contenit in ye bill within xv dayis

Ita est ut supra in omnibus per me dom Thoma Quhit scribam gardiani superscrip^{t} ac no^{rim} publicum teste manu propria.

APPENDIX.—No. IX.

Bond of Surety by certain of the Name of Armstrong, and others, for presenting the Person of Will Nixson, called Clement's Will, to enter Prisoner with the Laird of Fairnyhirst.

Be it kendt till all men be yis pressent wryttyng y^{t} quhair I Ekto^{r} Armstrang and Thome Armstrang sonne to Will of ye Chengillis George Armstrang Syme Armstrang sonnes to Ryngan Armstrang We ye said personnes aboune writtin beynds ws and o^{r} ayrs till Jhone Kare Lard of ye Fayrnehyrst till zow and zo^{r} ayrs conjunclie and souarlie be ye fayth and trewth of o^{r} bodyis y^{t} we sall ent^{r} zow Will Nexsoune callyt Clammatts Will on viij dayis warneing in ond^{r} ye payne of fyfe hundreth angell nobillis w^{t}owt fraud or gylle w^{t}in ye zetts of ye Farnehyrst and y^{r}to ramane q^{ll} lawfull entres be tane of ye said Will Nixsone and yis o^{r} pressent baind maid ye xxj day of September in ye zeyr of God ane thowsand fyfe hwndreth Lvij zeyrs

And yis o^{r} baind subscruit be o^{r} haindis tweycheand y^{e}

pene

[*Memorandum.*—What follows is much defaced and ill written; it seems intended to remove some suspicion which Fairnyherst had conceived of the faith of the Armstrongs.]

[As the Warden appears not to have liked the security of the Armstrongs, they seem to have brought the additional security of the Elliots.]

Written on the Back of the foregoing Bond.

Be it kend tyll men be yis present writing yat we Ecto^{r} Lord of Hawode George Ruytherfurde in ye Grange Adam Trumbill in Wolvlie and Thomas Trumbill in Hartstarth bynds and obless ws and o^{r} airs conjunclie and souarlie be ye fath and trew^{t} of o^{r} bodyis to ent^{r} Will Nyksoun callit [Clament's Will] to Jhone Ker of Farnyherst Thomas Ker his sone w^{t}in ye iren zetts of Farherst vpon viij dys warning and y^{r} to remane q^{ll} lawfull entres be takin of him be ye said Jhone Ker Thomas Ker or ye assigneis w^{t}out fraud or gyll vnder ye pane of fyfe hundreth angell nowbylls and also ye saids Borrdrer Ector George Adam and Thomas is band y^{t} ye said Will Nykson sall do na skath to ye said Lard of Ferherst or ony of his serwands freinds or tenantts bot sall be trew presoner out ye tyme of his entre befoir yir witnes Robin Ker Adam Kyrkton Rauf Ker Jhone Langlands Jhone Hall in Newbegyne w^{t} vy dywers the ffirst of Tewdaill Adam Trumbill of Bullerwell

Will Ellot of Bradlie, and Will Nykson is band to enter Robene Pet son to George Pet of Dowcott vpoun aucht days warning w^{t}in ye irne zett of Farnhirst and y^{r} to remane q^{ll} lawfull entres be takin of him be Jhone Ker of Farherst Dauid Oliuer of Hyndhewche his taker vnd^{r} ye pane of forty pundis styrlin befoir yir witnes Robin Ker Adam George Rutherfurd in Grange.

Surety granted by Sir Andrew Ker for sundry Persons who had Wounded Mark Kerr of Gradon, and Slain certain Foresters; and for the Slaughterers of Walter Turnbull, son to Watt of Bewlie.

Andro Ker of Pharnyhirst knycht cautioner for the personis vnderwrittin quhlkis come in will for the cruell hurting and wonnding of Mairk Ker of Graden slaying of certane foresters committit in December 1580.

WILLIAM AINSLIE of Fawlay
DAUID AINSLIE his sone
GEORGE HALL in Newbiging
ANDRO HALL thair
LANCY HALL thair
PAIT HALL thair
HOB HALL thair
JOHNNE HALL in Sykis
PERSYE HALL in the Buss
GILBERT HALL in the Birkis
JOHNNE HALL his brother
GEORGE PYLE, son to GEORGE PYLE in Mylnhouse
GEORGE PYLE in Oxnem
JAMES SCHEVILL thair
LANCY AINSLIE thair

JOHNNE HOWAY thair
ADAM ANYSLIE callit the quhaip thair
WILLIAM AINSLIE his son thair
GEORGE AINSLIE in the Slop
ROBERT AINSLIE in Fawlay
RAULF HALL in Sykis
ANDRO HALL thair
Being xxij personis, ilk persoun xli Inde ijc,xli.

The said Lard of Pharnyhirst cautioner for the personis vnderwrittin, quhilks come in will for the slauchter of umq^re^ Walter Turneble sone to Watt of Bewlye, committit in Junij 1580, and vther crymes

HECTOR TURNEBLE in Hartishauch
THOMAS TURNEBLE his sone
GEORGE TURNEBLE in Halroule
JOK TURNEBLE in Neddir Bonechest
JAMES TURNEBLE in Sironscheill
ADAM SCOTT of Gledstanis
ADAM TURNEBLE of Yaton Scott
ANDRO TURNEBLE thair
GEORGE PRANDERGAIST in Halroule
ANDRO TURNEBLE, Spangand Andro
Being x personis, ilkane xxli, Inde ijc,li.

APPENDIX.—No. X.

A Breviate of the Attempts of England committed upon the West Marches by the West Borderers of Liddesdale, and fouled by the Commissioners, for lack of Appearance.

WEST MARCHES AGAINST LIDDESDALE.

JUNE, 1581.

Sir Simon Musgrave, knight, with Thom of the Todhill, and his neighbours, complain upon	Robin Ellot of the Park, Sim. Ellot, Clemie Croser, Gawen's Jock, and their complices, for	60 kie and oxen, a horse, and the taking of Thome Rootledg prisoner.

JULY, 1581.

James Foster, of Symwhaite, complains upon	Will. Ellot of the Redhughe, Adam of the Shawes, Archie of the Hill, and John Ellot of Heughhouse, for	50 kine and oxen, and all his insight.

JUNE, 1582.

Matthew Taylor, and the poor widow of Martin Taylor, complain upon	Old Lard of Whitaugh, Young Lard of Whitaugh, Sims, Thom, and Jock of Copshawe, for	140 kie and oxen, 100 sheep, 20 gate, and all their insight, L.200 sterling, and the slaughter of Martin Taylor, John Dodgshon, John Skelloe, and Mathew Blackburne.

OCT. 1582.

Thomas Musgrave, deputy of Bewcastle, and the tenants, against	Walter Scott, Lard of Buckluth, and his complices, for	200 kine and oxen, 300 gaite and sheep.

15th NOVR. 1582.

Sir Simond Musgrave, knight, complains upon	The Lard of Mangerton, Lard's Jock, Sim's Thom, and their complices, for	burning of his barns, wheat, rye, oats, bigg, and peas, with L. 1000 sterling.

ST. ANDREMASS, 1582.

Andrew Taylor complains upon	Robin Ellot, Will. his brother, George Simpson, and their complices, for	60 kine and oxen, 100 sheep, all his insight, and money L. 60.

JULY, 1586.

Thomas Musgrave, deputy warden of Bewcastle, complains upon	The Lard's Jock, Dick of Dryupp, and their complices, for	400 kine and oxen, taken in open forrie from the Drysike in Bewcastle.

SEPTR. 1587.

Andrew Rootledge of the Nuke, complains upon	Lard's Jock, Dick of Dryupp, Lancie of Whisgills, and their complices, for	50 kine and oxen, burning his house, corn, and insight L. 100 sterling.

NOVR. 1587.

Clemi Taylor complains upon	Archie Ellot, Gibbie Ellot, and their complices, for	50 kine and oxen, all his insight, 100 merks sterling.

MARTINMAS, 1587.

The poor widow and inhabitants of the town of Temmon complains upon	Lard of Mangerton, Lard of Whitaugh, and ther complices, for	the murder of John Tweddel, Willie Tweddel, and Davie Bell, the taking and carrying

away of John Thirlway, Philip Thirlway, Edward Thirlway, John Bell of Clowsegill, David Bell, Philip Tweddel, Rowge Corrock, Thomas Allison, George Lyvock, and Archie Armstrang, ransoming them as prisoners, and the taking of 100 kine and oxen, spoil of houses, writings, money, and insight, L. 400 sterling.

COMMISSIONERS.

JOHN FORSTER.
JOHN SELBIE.
RICHARD LOWTHER.
CARMIGELL.
ALEXANDER HUME of Hutton Hall.
MR GEORGE YONGE.

LIDDESDALE AGAINST WEST MARCHES.

A Breviate of the Liddesdale Bills fouled of the Inhabitants of the West Marches, by the Commissioners at Berwick; with the names of such Persons noted in the Marches as my Lord Scroope had ready to deliver.

Lard of Mangerton complains upon	Cuddie Taylor, John Taylor, and the complices, at two times	200 kie and oxen, insight L. 20 sterling.
Lard of Mangerton complains upon	Mr Humfrey Musgrave, Captain Pikeman, and his soldiers, for	taking him prisoner, oxen, kie, horses, mares, sheep and gaite, insight L.1500 sterling.

Lard of Mangerton complains upon	Adams, Jamie Foster, Matthew Taylor, Skailbies Hutchin, and Geordie Hetherton,	200 kie and oxen, 800 sheep and gaite, 6 horses and mares, from Tunden.
Thomas Armstrong of Tinnisburne, complains upon	Ensign Knapp, Jamie's Adam Rootledge, John Taylor, Geordie Hetherton, and Mark's Tom's Geordie, for	300 kie and oxen, 6 horses and mares, 800 sheep and gaite.
Lancie of Whitaugh complains upon	Sim Taylor, John Taylor, Cuddie Taylor, for	insight, silver coined and uncoined, L. 4000 sterling.
Sim Armstrang of Whitaugh	John Taylor, Adam's Jamie, for	800 sheep.
Robin Ellot, of the Redheugh, complains upon	Thomas Carleton, for	60 kie and oxen, 400 sheep, insight L. 200, from the Steile.
Hob Ellot of Ransgill	Thomas Carleton, and Riche of the Moat	60 kie and oxen, 6 horses and mares, three prisoners, insight 400 marks.
Bramche, of the Burnhead	Mr Humfrey Musgrave, and Thomas Carleton,	200 kie and oxen, 40 horses and mares, from the Ellots of Burnhead.
John Ellot, of the Haugh-house, and Gaven of Rarsgill	Captain Carvell, and his band, with the clans of Leven,	200 kie and oxen, 30 horses and mares.

The names of such of the Persons complained upon as my Lord Scroope had ready to deliver.

John Taylor.	Sim Taylor.
Mr Humfrey Musgrave.	Paite's Cuddie.
Geordie Hetherton.	Adam's Jamie.
Geordie Grame, son to Mark's Thomie.	Thomas Carlton.
	Richie of the Moate.

Subscribed by the Commissioners.

JOHN FORSTER.	CARMICHEL.
JOHN SELBIE.	ALEXANDER HUME of Hutton Hall.
RICHARD LOWTHER.	Mr GEORGE YONGE.

APPENDIX.—No. XI.

Letters of Instruction from James VI., and his Privy Council, to Sir Thomas Kerr of Ferniherst, Warden of the Middle Marches.

EFTER o^r maist hertlie commendationes. At the ressait of zo^r lr^s and infortioun, being diseased and otherwys earnestlie occupiit we culd not convenientlie mak zow ans^r q^ll now, ze sall ressaue le^r in generall to charge alsweill the principall offende^rs, as thair maisters and landislordis that enteris not thair men to the dayes of trew, for zo^r releiff of the billis fylit qlkis ze may caus execute vpoun all resident w^tin the boundis of zo^r office, and in cais of thair failze to denunce xlviij h^rs being bipast. Bot becaus the Laird of Cesfurd him selff is presentlie in ward in Aberdene, it is devisit that l^rs salbe directit chargeing him to ent^r his men and seruandis alreddy fylit. Secundlie to constitute a landit gentilman of his kin ballie or depute for him, quhom ze during his absence in waird may chairge to present and mak ans^rable his men; and thirdly to present his buiks and rollis befoir the counsell, that the same may be decernit to be deliuerit to zow for zo^r informatioun and releiff. The counsell hes presentlie writtin, baith to Sr Johnne Forrester and Sr Johnne Selby to forbeare to preas zow with deliuery for any billis preceiding zo^r entrie to y^t office, becaus of the difficultie that ze haue in the default of the last wardane and his clerk, and that it is the mynd of the Quene of England be hir ans^r reportit be the Maister of Gray, that metingis salbe keipit levand

the thingis difficill to the order of commissioners as tuecheing the warding of the personis that come heir at this tyme. It is thocht expedient vpoun sum necessar considerationis to forbeare the same at this tyme, and to lett thame returne hame to mak the suirtie for thair obedience to zo^r^ selff, and to mak sute to zow to be a procurair of fauo^r^ vnto thame gif ony be shawin, and gif thay do not that thing qlk may satisfie betuix and the xx day of this moneth, to returne then vpoun y^r^ perrell where order salbe taken w^t^ thame to zor contentment.

As to the accusing of thame seuerallie vpoun the speciall poyntes contenit in zo^r^ memoriall, we haue p^r^poslie vpoun gude respectis supersedit the same, bot chieflie becaus we thocht that gif it suld be done heir, it my^t^ sumquhat diminishe the credite and auctoritie of zo^r^ commissioun, qlk we vnderstand is sufficient baith to juge and try thir mat^r^is zit gif ze had rather the same wer done, vpoun zo^r^ aduertisement to be send heir agane the said xx day we sall caus proceid aganis samony as satisfies zow not in the meantyme, havand gude informatioun how probably thay may be gottin fylit of the crymes layed to thair charge, ffor albeit thair may be mony greit presumptionis gaderit vpoun y^r^ bipast affection to his hiénes present rebellis, zit that will not be anewis as ze knaw to convict thame, without sum further pruif And sua it is to be considerit gif sic ane assise may be gottin as will convict thame, or gif it be few and privie personis, thay mon be examinat and their deponis vsed to move the assize, or gif necessarlie sum mon be wardit on speciall respecte unaccusit, the nowmer wald be als few as my^t^ be, and thay of sic as my^t^ best beare y^r^ awin chargeis. Robeine Ellot seamis to be content to subscriue the generall band qlk the remanent landit men of Teviotdaill subscrivis. Bot he sayis that he is vrgeit w^t^ ane vther fornir of particulair band for Liddisdaill vnder the paine of tressoun. In this caise it salbe gude to tak the best securitie that can be had for Liddisdaill, bot zit that thay haue not occasioun to complaine that they ar burdeynit w^t^ ony thing vnpossible or vnressonable sofar as may be, qrannent alsua lett us knaw zour mynd incaise vtherwise ze be not satisfeit be Robeine. And thus resting to zo^r^ nixt aduer-

tisement committis in the protectioun of God, At Edinburgh, the viij day of Marche 1584.

Yo^r loving ffriend.

Traist freind, we greatt zow hertlie weill. We doubt no^t bot ze haue hard how in the moneth of Januar bipast a zeir, quhen we and o^r counsell wer occupiit in the triall of a caus concerning Bedroullis sonis for ane attemptat committit be thame at Preswen in England q^rof yaj were found foull and piurit. Thair wes a new heirship of the same toun committit be Will Ellot of Hartstarth bruy^r to Robene of Reidhewch and a nowmer others of Liddisdaill brocht in and assistit be sum of Teviotdaill, sum slauch^r maid and prisoners taken, quhom we causit be sett at libertie, as alsua intendit to have seene indelayed redres be maid for the guidis, gif the rebellioun at Striueling in Aprile last had not moved the intermissioun of the ordering of that and others Border causes, q^rof we and o^r counsell wer constrenit to tak the gretair cair for the tyme, throw the want of diligence and gude affectioun to iustice in the wardane of o^r middle marche at that tyme. Allbeyes we preceidit sa far as having sum of the principall offendors befoir ws we tryit the trewth of that attemptat and quha ar foull of it, bot because thair wes na bill gevin for the guidis, bot the deliuery of the prisoners then chieflie suitit for, it is now o^r will and mynd and we command zow that w^t all guidlie diligence ze call the personis complenit vpoun befoir zow, and vpoun ye examinatioun sworn, alsweill tueching thair selffis as ye complices, fyle and deliuer sic as ze sall find foull worthy and may best mak the redres, qlk we think suld be the better done gif the said Will Ellot being principall of thame of Liddisdaill and ane vther principall man of Teviotdaill wer attanys deliuerit. Gif they cum not to zow being chargeit, or compeiring makis difficultie to declair the trewth, vpoun zo^r ans^r we sall not only direct zow how and vpoun quhome the bill salbe fylit, but alsua how the redres salbe maid, ffor we have anewch

for ws. And sa willing zow w^{t} cair and diligence to see this matter sa ordrit as this gentilman have na further ony iust caus of complaint, notwithstanding the request maid be o^{r} counsell to the opposite wardanis of England, that the redres of attemptatis preceiding zo^{r} entrie to y^{t} zour office my^{t} stay q^{ll} the meting of commissioners. Seing we haue delt sa fer alreddy in the mater o^{r} selff, and y^{t} it wes for a publict offence done in o^{r} contempt, and to disturb the gude amytie We commit zow to God At Halyruidhous the third of Aprile, 1584.

JAMES R.

Gif ze salhappin to fyle the bill and deliver ony personis yairfoir befoir zour nixt aduertisment let it be on assurit conditioun that it salbe onelie for redres of the gudis, leaving the slauchteris and blude to the ordoure of commissionaris, sen sa is the will and meaning of o^{r} dearest sister the quene of England.

RICHT traist friend, we greit zow hairtlie weill. We haue laitlie understand of ye guidwill and synceir dispositioun of our dearest sister and cousine the Quene of England to the continewance and increse of ye guid frindschip and amytie betwene ws, and that she hes gevin commandment to hir wairdanis to mak the same knawin be proclamatioun, the like quhairof we think verie requisite that ze caus be maid, qlk wer meittest to be done on ane day at sic convenient placeis as ze and the opposite wairdane can aggrie vpoun be comoun consent, that ye same may probably cum to the knawlege of all the inhabitantis in baith the wairdanreis, we think it allso baith meitt and necessa^{r} that ze sall meitt w^{t} the opposite wairdanis to tak ordour for mutuall redres on baith sydes, and aggrie for dayis of meting betwene zow, at

quhilkis we wald ze sould proceid in fyling and delyverie of all sic attemptatis, as ze may discharge without the meting of commissionaris, and gif thair be ony thing cravit of zow quhilkis ze can hardlie redres, mak a perfite collectioun and buik of that and all vtheris attemptatis bygane, to be considerit of be ye commissionairis at thair meting, ffor we traist ze sall find ye opposite wairdanis in that poynt comformable, bot ye suirrest way apperandlie is that befoir zour meting ze sall accord with zour depute-clerk or sum vther discrete man to be send to ye opposite wairdanis, vpoun that q^lk other of zow suld do to vtheris at zo^r meitting, that thair salbe na caus to cast of then, ffurther we think it requisite that at ye convening of the baronis landit men vtheris of ony pouer within the boundis of zour office, ze sall propone to thame this forme of band and obligatioun for thair obedience to ws and zow in zour office, that thairefter ze may the better charge thame to do thair dewtie in our shuite, or in cace of thair refuis vpoun zour aduertisement, we may tak sic ordour with thame as thair contempt and disobedience sall merite. And sa resting to heir from zow as ze proceid in ye behalfis committis zow in ye protectioun of God. At Halieruidhous the fourt day of Januar 1584.

JAMES R.

APPENDIX—No. XII.

Border Clans.

THE principle of clanship had been reluctantly acknowledged by the Scottish legislature, not as a system approved of, but as an inveterate evil, to cure which they were obliged to apply extraordinary remedies. By the statute 1581, chap. 112, it was declared, that the clans of thieves keeping together by occasion of their sur-names, or near neighbourhood, or society in theft, were not subjected to the ordinary course of justice; and therefore it was made lawful, that whatever true and obedient subject should suffer loss by them, might not only apprehend, slay, and arrest the persons of the offenders, but of any others being of the same clan. And thus the whole sept was rendered jointly answerable, and liable to be proceeded against, in the way of retaliation, for the delinquencies of each individual.

But to render the recourse of the injured parties more effectual, an elaborate statute, (1587, ch. 94, 97) made two years afterwards, proceeding on the same melancholy preamble of waste and depredation committed on the Borders and Highlands, directs that security shall be found by those landlords and baillies on whose grounds the offending clansmen dwelt, that they would bring them in to abide process of law when complained of, or otherwise drive them from their grounds. It was further decreed, that the clans, chiefs, and chieftains, as well on the Highlands as on the Borders, with the

principal branches of each surnaine who depended upon their several captains by reason of blood or neighbourhood, should find hostages or pledges for keeping good rule in time coming, under pain of the execution of these hostages unto the death, in case transgression should happen without amends being made by delivery of the criminal. These hostages were to be kept in close prison until the chiefs by whom they were entered in pledge found security that they would not *break ward*, that is, make their escape. But on such security being found, the hostages were to be placed in *free ward;* that is, were to remain prisoners on parole at their own expense, in the families of such inland gentlemen and barons as should be assigned to take charge of them respectively, the Borderers being quartered on the north, and the Highlanders on the south side of the Forth; which barons were bound, under a penalty of L. 200, not to license their departure. The clans who should fail to enter such pledges within the time assigned, were to be pursued as incorrigible freebooters, with fire and sword. To render the provisions of this act yet more effectual, it was appointed, (chap. 96.) that all Highlanders and Borderers should return from the inland country to the place of their birth: (chap. 97.) That all the clans should be entered in a register, with the names of the hostages or sureties, and of the landlords or baillies. Also, (chap. 98) that vagabonds and broken men, for whom no sureties or pledges were entered, as belonging to no known clan, should find security to undergo the law, under pain of being denounced rebels. Also, (chap. 100.) that the security found by the feudal landlords and baillies to present such offenders as dwelt on their lands to regular trial, was distinct from, and independent of, that which should be found by the patriarchal captain, head, or chieftain of the clan, and that each subsisted and might be acted on without prejudice to the other. These securities being obtained, it was provided, that when goods or cattle were carried off by the individuals of any clan, the party injured should intimate the robbery to the chief, charging him to make restitution within fifteen days, wherein if he failed, the injured party should have action against him, and other principal persons of the clan, to the amount of his loss.

These, and other minute regulations to the same purpose, show that the clan system had become too powerful for the government, and that, in order to check the disorders to which it gave rise, the legislature were obliged to adopt its own principle, and hold the chief, or patriarch of the tribe, as liable for all the misdeeds of the surname.

The rolls which were made up in consequence of these acts of parliament, give us an enumeration of the nobles and barons, (several of whom were themselves also chiefs) who possessed property in the disturbed Border districts, and also of the clans who dwelt in them.

Roll of the Names of the Landlords and Baillies of Lands dwelling on the Borders, where broken Men have dwelt and presently dwell. A.D.* 1587.

MIDDLE MARCH.

The Earl of Bothwell (*formerly Hepburn, then Stuart.*)
The Laird of Fairnyherst (*Kerr.*)
The Earl of Angus (*Douglas.*)
The Laird of Buckcleuch (*Scott.*)
The Sheriff of Teviotdale (*Douglas of Cavers.*)
The Laird of Bedroule (*Turnbull.*)
The Laird of Wauchop.
The Lord Herries (*formerly Harries, then Maxwell.*)
The Laird of Howpaisley (*Scott.*)
George Turnbull of Halroule.
The Laird of Littledene (*Kerr.*)
The Laird of Drumlanrigg (*Douglas.*)
The Laird of Chisholme (*Chisholme.*)

* Those of the Highlands are omitted, as not being comprehended in the present subject.

WEST MARCH.

The Lord Maxwell (*Maxwell.*)
The Laird of Drumlanrigg (*Douglas.*)
The Laird of Johnston (*Johnstone.*)
The Laird of Applegirth (*Jardine.*)
The Laird of Holmends (*Carruthers.*)
The Laird of Gratney (*Johnstone.*)
The Lord Herries (*Maxwell.*)
The Laird of Dunwiddie.
The Laird of Lochinvar (*Gordon.*)

The Roll of the Clans that have Captains and Chieftains on whom they depend oftimes against the Will of their Landlords, and of some special Persons of Branches of the said Clans.

MIDDLE MARCH.

Elliots.* (*Laird of Lairistoun.*)
Armstrongs (*Laird of Mangertoun.*)
Nicksons.†
Crossers.

WEST MARCH.

Scotts of Ewsedale.‡

---

* The Elliots and Armstrongs inhabited chiefly Liddisdale.

† The Nixons and Crossers might rather be termed English than Scottish Borderers. They inhabited the Debateable Land, and were found in Liddisdale, but were numerous in Cumberland.

‡ It is not easy to conjecture whether one part or branch of this numerous surname is distinguished from the rest, or whether it must be understood to comprehend the whole clan. The chief of the name was Scott of Buccleuch.

Beatisons.*
Littles (*chief unknown.*)
Thomsons (*chief unknown.*)
Glendinnings (*Glendonwyne of that Ilk.*)
Irvings (*Irving of Bonshaw.*)
Bells (*believed to be Bell of Blacket House.*)
Carruthers (*Laird of Holmends.*)
Grahames.†
Johnstones (*Laird of Johnstone.*)
Jardanes (*Laird of Applegirth.*)
Moffetts (*chief unknown, but the name being territorial, it is probably an ancient clan.*)
Latimers (*chief unknown.*)

A little work, called Moneypenny's Chronicle, published in 1597 and 1603, gives, among other particulars concerning Scotland, a list of the principal clans and surnames on the Borders not landed, as well as of the chief riders and men of name among them. From this authority, we add the following list of *foraying*, or *riding* clans, as they were termed, not found in the parliamentary roll of 1587. It commences with the east marches, which being in a state of comparative good order, were not included under the severe enactments of 1587.

EAST MARCHES.

Bromfields (*chief, Bromfield of Gordon-Mains, or of that Ilk.*)
Trotters (*chief unknown.*)

* Or Beatties, a name still numerous on the Borders. They were dispossessed of large possessions in Eskdale by the Scotts, who killed many of them in the struggle. The name of their chief is unknown. The last was called The Galliard, slain at the Galliard's-haugh, near Langholm.

† The chief of the Grahames is unknown. The clan were rather English than Scottish. They inhabited the Debateable Land.

Diksons (*chief unknown.*)
Redpeth (*Laird of Redpath.*)
Gradens (*Laird of Graden originally their chief.*)
Youngs (*chief unknown.*)
Pringles (*believed to be Pringle of Galashiels.*)
Tates (*Tait of Pirn.*)
Middlemast (*chief unknown.*)
Burns (*chief unknown.*)
Dalgleishes (*Dalgleish of that Ilk.*)
Davisons (*Davison of Symiston.*)
Pyles (*Pyle, or Peele, of Milnheuch.*)
Robisons (*chief unknown—a Cumberland clan.*)
Ainslies (*chief unknown.*)
Olivers (*chief unknown, believed to be Lustruther.*)
Laidlaws (*chief unknown: It is said by tradition the family came from Ireland, and that the name was originally Ludlow.*)

LIDDESDALE.

Parks (*chief, John of Park.*)
Hendersons (*chief unknown.*)

WEST MARCHES.

Carlisles (*Lord Carlile.*)
Romes, Gasses } *Clans now almost extinct, chiefs unknown.*

An equally absolute authority is the enumeration which is put by Sir David Lindsay of the Mount, in his very curious drama called the Partium, into the mouth of Common Thift, a Borderer, and who, being brought to condign punishment, takes leave of his countrymen and companions in iniquity:—

Adieu, my brother Annan thieves,
That helpit me in my mischieves;
Adieu, Crossars, Niksons, and Bells,
Oft have we fared through the fells;
Adieu, Robsons, Hanslies,* and Pyles,
That in our craft have mony wiles,
Littles, Trumbulls,† and Armstrongs;
Adieu, all thieves that me belongs,
Taylors, Eurwings,‡ and Elwands,§
Speedy of foot and light of hands;
The Scots of Ewesdail and the Græmes,
I have na time to tell your names;
With King Correction be ye fangit,
Believe right sure ye will be hangit.

---

* Ainslie, as now spelled and pronounced.
† The popular pronunciation of Turnbull.
‡ Spelled Curwings: the same with Irving, which is sometimes popularly pronounced Euring as if the v were an u.
§ Elwands, or Elwoods, the old way of spelling Elliot.

APPENDIX.—No. XIII.

[The following curious document, for a copy of which I am indebted to my obliging friend, James Ellis, Esq. of Otterbourne, shews in what state the Border police was so lately as the year 1701, and how systematically the depredations of Border thieves were carried on. (See p. lxxv.) The police was maintained by officers called Country-keepers, who, for a certain sum, insured each his own district against theft and robbery, or in case of their taking place, made good the loss. They seem to have had occasionally an understanding with the thieves, and to have connived at their stealing in other districts so as they spared theirs. It appears from the following confession, that one of these Country-keepers, the proprietor of a small estate, called Monkridge, having become obnoxious by attempting to suppress theft in general, without reference to his own district, he was absolutely rendered bankrupt by a combination of the thieves, who agreed to make the district of Redesdale, for which he was answerable, the scene of their exploits, until he was ruined by the reparation which by his office he was obliged to make to the sufferers. To this conspiracy they were instigated by the proprietor of Leehall, the Country-keeper of Tynedale, who promised he would get Monkridge's place for a friend of his own, who, provided they did not plunder his territory, would connive at their stealing what they pleased in Scotland, or in the adjacent Bishopric of Durham, and would prosecute no one save those that stole from his own district. The extent of country through which they carried on their trade was such, that the reader will observe, horses stolen on the Border were sold not only beyond Edinburgh, but within sixty miles of London. The open and uninclosed state of the country, at that period, rendered it easy for the depredators to take their routes through it in any direction which might promise them the best means of eluding detection and observation.

The ferocity of these Border thieves appears from four of them, called Armstrongs of Grandesknow, having cut out the tongue of a man, called Turner, who had given them offence. The victim survived long enough to write with his own blood the authors of the cruelty he had sustained.

It appears from a passage in Patton's History of the Insurrection of 1715, that many of the Border banditti were in arms under Foster and Derwentwater. Two of their troops of cavalry were formed by John Hunter, and by Robert Douglas, brother to Douglas of Finland, in Scotland. Both were midnight traders; Hunter having been a smuggler, and Douglas, who shewed great alertness in searching for arms and horses, having followed that mystery out of the rebellion as well as in it. "To this account of these two gentlemen," says Patton, "I shall add a pleasant story, which one was pleased to remark on them. When he heard that the former (Hunter) was gone with his troop back into England, as was then given out, to take

up quarters for the whole army who were to follow, and to fall upon General Carpenter and his small and wearied troops, he said, 'Let but Hunter and Douglas with their men quarter near General Carpenter, and in faith they'll not leave them a horse to mount upon.' His reason was supposed to be, because these with their men had been pretty well versed in horse-stealing, or at least suspected as such. For an old Borderer was pleased to say, when he was informed that a great many if not all the loose fellows and suspected horse-stealers were gone into the rebellion, 'It is an ill wind that blows nobody profit; for now,' he continued, 'can I leave my stable-door unlocked and sleep sound, since Luck-in-a-Bag and the rest are gone.'" —*History of the Late Rebellion, 2d Edition, p. 63.*

Thomas Armstrong, a noted horse-stealer, whose nickname of *Luck-in-a-Bag* is become proverbial, is mentioned in the following confession: he survived for fourteen years after Weire's execution, since it appears, from the above quotation, that he joined Foster's army.]

Confession of John Weire, Prisoner in Edinburgh, under Sentence of Death, July 25, 1701.

Out of a pasture field at the Winmill nigh Newcastle, two horses and one mare.

THAT he, with his brother David Weire, and John Buck, in February 1700, by direction of Francis Morraley of Morraley, stole them.

John Weire sold to John Smell, a merchant in Glasco, one of the horses and the mare, and told him they were stolen out of England.

John Buck sold the other horse to horse-coper in Kirkbrady.

One horse and three mares which they did steale about Corbridge.

John Weire, David Weire, and John Buck, went to Nicholas Armstrong's house hard by How (House) steeds in Northumberland, with William Armstrong, his brother; they directed them the way to Crossbridge (Corbridge,) and Nicholas Armstrong conducted them most of the way, directing them to the place where they should steel.

Armstrong went with them to convey the said horses to Francis Morraley's house, and there left them. They sold the horse and one of the mares to one John Smellam; John Weire and John Buck, alias Park, sold one of the mares to Alexander Richaley, innkeeper att the North Queen's Ferry. They sold the other mare to James Douglas, customer there.

That Francis Morraley, a little after that time, stole and that Morraley and John Weire went to London; Morraley did ride upon the mare, and sold her within 60 miles of London.

A grey mare out of a stable near Bellingham.

That John Buck and David Weire about that time went by directions of Francis Morralee to Hening (Ening) bridge, and stole them which horse David Weire sold to one Feirservice, farmer in Nether Quarrel Holls, above Leith.

A little horse and a mare from Hadonbridge (Eningbridge.)

John Park sold the said mare to John Smelley.

John Park gott from John Armstrong, brother to Nicholas and William Armstrong which he sold to David Thomson, horse-hirer in the Back Raw of the subburbs of Edinburgh, and John Robinson his neighbour.

A little gray mare from John Armstrong.

Francis Morraley sold John Park in Falkirk faire, which he sold to William Pringle, late serjeant, then in the Patter Raw, now in Bristow.

One browne gallaway from Franc Morraley.

There was stolen out of Northumberland, by Thomas Armstrong in Howsteeds, and William Barley, merchant in Dalkeith William Barley sold one of the said mares to the said James Fairservice, Thomas Armstrong sold the other mare to John Morrow, perriwigg maker in Canny Gate.

Three horse and mares.

John and David Weire and Francis Morraley went from Edinburgh to Morraley's house, from whence Morraley carryed two saddles, bridles, and boots, on a horse belonging to my Lord Rollo, and an old man with him, who was att his house, fled from Scotland for robbing Sir John Clerk's house in Pennieweek, which old man goes a begging in Northumberland, discovers prizes for the said Francis Morraley and others, for steeling horses and robbing of houses.

A horse of my Lord Rollo's.

Which old man, by comand of Morraley, carried them to Great Swinburne, and helped them to steel there which they conveyed back to Morraley's house, and he came along with them to Castleton on the Border, to meet the said John Smellin, who appointed to be there, and give

Four mares from Great Swinburne.

them brandy for the mares; Heugh Pollockwick, burgess of Edinburgh, was there with the brandy. Smellin not comeing, John and David Weire went forward with the mares to Edinburgh, and left Morraley with Pollock, who went to Morraley's house.

A horse and a mare from Francis Morraley.

Christopher Johnson, who lives within two or three miles of Morraley's house, stole brought them to Morraley's house, and sold them to Pollock, who was to give brandy for them, and they sent them away with them in the night. Pollocke rideing in the morning by the house of Otherston Lee, his horse tired, and Lial of Tarsett Hall challenged Pollock how he came by the horse, he confessed he bought them of Morraley for brandy; and he threatening to get him sent to Morpeth goal, he bargained with Lyall for brandy to lett him goe, on which Lyall proclaimed the horse as waife in his own grounds.

How the four mares above-said were sold.

John Weire sold the said William Pringle one of the mares, and she was booked in the name of David Wilson; the other mare he sold in Cooper of Fife to John Jameson, son of John Jameson, horse-hirer in Cannygatehead. He sold another of the said mares to the said Alexander Richaley. He sold the last of the mares to John Jameson's father aforesaid.

Two grey horses from Haydonbridge.

In the month of May, 1701, John Graham, drover, and William Armstrong, brought two grey mares which they stole from Haydonbridge; John Weire sold them to Nicholas Gibson, horse-farryer in Edenbrough.

Two dunn mares out of Northumberland.

Thomas Armstrong and William Barley stole out of Northumberland, and sold them att a faire in the town of Peirth.

Three horses or mares out of Cumberland and Northumberland.

Thomas Armstrong in Cumberland, called Luck-in-the-Bagg, Richard Raw his man, and Francis Morraley, stole them, and sold a dunn mare to James Jordon in the meall-market in Edinburgh. They sold another to John Morrow.

A black horse and a spotted gray mare near the house of Rollo.

John Park and David Weire, by advice of Francis Morraley, did steell from Stagshaw-bank a black horse and a spotted grey mare, which they carryed to Morraley's wood, and left them there.

John Weir did see in William Ellott's custody, son of Simon Ellott of Tinnes Livery in Kingfield and sold by them to Luck-in-the-Bagg. A little dunn colt, which Francis Morraley and Charles Johnson stole.

Francis Morraley and Christopher Johnson sold Simon Elliott's wife a little mare which was stolen by them out of Northumberland. A little mare stole out of Northumberland.

About the same time, Richard Raw and Francis Morraley stole, brought her to Edward Glendining's house of Kingfield, and afterwards sold her to Mr Richaley in the Ferry. A black mare out of the foot of Allendale.

John Weire and Francis Morraley stole them, which they sold into Scotland. Five horses and mares out of the south of England.

1. Morraley sold a black mare to James Foreservice, aged 4 years, bred of a coach mare.
2. John Weire did sell Foreservice a grey horse.
3. William Can, servant to Thomas Maltland, by their order, sold a grey mare to Richard Jameson, horse-hirer in Cannygatehead.
4. Francis Morraley sold a horse to John Morrow, perriwig-maker aforesaid, which John Weire delivered, and Morrow afterwards sold to Nicholas Gibson, farrier.
5. Francis Morraley kept the fifth horse for his own use.

In May 1700, John Weire went to Grandeeknows to the mother of the four bretheren the Armstrongs, which Armstrong and the aforesaid Burley did cut the tongue and ear out of William Turner for informing they were bad persons, which Turner writt with his blood they were the persons that used him soe. How Turner's tongue was cut out.

John Weire, with William Lowes the younger, Sir Edward Blackett's steward, went to Grandeeknowe's house, where they found Christopher Johnson and the four Armstrongs, and encouraged them to go on in felony. William Lowes took out a letter from Leehall,* read the same, the substance was, The accusation against William Lowes and Leehall.

* Leehall is a small estate on the North Tyne, as Monkridge is in Redesdale, the then pro-

there was stolen from Munchridge tenn or eleven horses and mares, all within eight days, desireing they would not be discouraged; that they would make all hast possible in setting on of the lads, for Munchridge was now goeing to the said lords; he perswaded Christopher Johnson and the four Armstrongs to make what hast they could in steeling and setting on of others; and Lowes desired they might all goe with good will, and not fear; for if any of them were taken in that country, they would cause baile, and would put by any evidence against them before the assises, for he hoped that a friend of his owne against Michaelmas would get the Country-keeping;

Encouragement to steale.

And if they did not wrong that country, they might steal what they pleased out of Bishopbrig, or Scotland, and they should be welcome to dispose of them in Northumberland att their pleasure; for his friend would not doe as Munchridge did, he would prosecute none but them who stole from himselfe.

Munckridge Ruine.

Munchridge's ruine was in prosecuting those who stole out of the south of England and Scotland.

Answer to Leehall.

Lowes writt an answer of the letter to Leehall, that in a few days he should let him hear of more stolen, and sent a letter by John Armstrong, one of the four bretheren.

False book att Edinburgh.

That there was a false book kept at Edinburgh by the book-keeper of the Grassmarket, where they booked all horses stolen from Northumberland, by Morraley, and William Armstrong of Kilburne.

Horse stolen from Armstrong.

Armstrong of Killburne left his horse, which was stolen out of Northumberland, att Gilbert Alexander's house at Brokenburne-bridge, until the markett day.

Fourteen stolen horses out of England.

John Weire, in the month of March, came to John Park's house, indweller in the Battleraw; James Jordon invited them both to Samuel Jordon,

---

prietors of which seem to have been Country-keepers, that is, officers who formerly undertook, in consideration of an annual payment by the magistrates, to protect a certain district from robbery, or otherwise to make good the losses.

Gardner's-house, and asked if wee had any stolen horses he would buy them, or gett a merchant to doe itt, and declared he sold fourteen stolen horses which came out of the North of England, within this three months.

And further, that he had then sold a black gelding for William Burley, for which he gott £8 sterling. A black gueldding for 8l.

In the month of May, 1700, on Sabath day att night, Thomas Armstrong, William Burley, Francis Morraley, and John Park, goeing to steel horses out of Collentine Parke, were all apprehended by the Lady Hamiston's servants; being examined by my Lord and Lady, there was taken from them severall bridles, with some pockett-pistols, 3 swords, 1 hanger, and a livery coat. Four persons taken at Colentine Park.

John Weire's further Confession.

That, in the month of March 1700, John Weire, David Weire, and John Parke, went to Sir James Ducke of Priestfield's stable, broke it open, took thereout a big liard mare, black coloured, her neck lyart. Two mares stolen from Sir James Dukes in Scotland.

One lesser black mare, on which they all three ridd for England, came to Morraley's house.

The same night, John Weire and Francis Morraley rode to Howsteeds, to William Armstrong's, and sold him the least of the said mares, which mare Armstrong did rump to make her unknown; the other mare, which was lyart necked, which Morraley bought for his own use, for a studd mare; he did not pay for the same, but gave them a bill on Mr Kitchin, keeper in Queen's Ferry, for the price of a stolen horse or mare bought by Kitchin of Morraley. How they were disposed of.

The latter end of March, 1700, John Weire and Park went to the new mill att Craggend, broke open a stable doore, and took out one young gray horse and a litle white gallaway, and rode back to John Wright's, in Burtree-house Bridge, opened a stable there, and took out one little moose-browne mare, cutt-tailed, there. David Weire met them as appointed; they went Horses stolen from Scotland carryed into England.

all three to England, to Francis Morraley's; the bigg horse tired by the way, and David Weire brought him to Bridgeleschawes, there left him. Francis Morraley bought the little moose-browne mare, and sold her to one of his neighbours.

John Weire rode towards London on the white horse, with Francis Morraley.

Horses stolen from Scotland carryed to Cumberland.

That John Park, inndweller in the Backraw, and William Burley, merchant in Dalceath, and Thomas Armstrong of the Howsteeds, went to a little park and took a horse, and a mare with fole, from Somerwell, in Westerfield, in Tranent parish, and came to William Burley at John Park's house; and the next night they went to another place and took a browne horse and went straight forward to Cumberland to William Wilson.

The next day to William Lamb's, att Parkhead, in Bewcastle parish, and there sold William Lamb the young horse 4 years old; Thomas Armstrong sold the mare with fole, daple-grey, to William Lamb's neighbour. The mare was stagg-tailed, but now cut and rumped that she might not be knowne.

Thomas Armstrong rumped the young horse with his owne hands, aged 4 years, dark grey coloure, and Hemhorhed sold the same to William Lamb for 30s. sterling; the mare sold at 50s. sterling.

One mare from Murton Hall.

The last May, 1700, John Park, John Graham, drover, and David Weire, went to Murton Hall, stole a little grey mare with one rack on her neer hinder foot.

Francis Morraley took the mare and sold her to one in Cumberland. David Weire ridd to Northumberland on the grey mare, sold her to Francis Morraley for £3 sterling, not yet paid, though Elliot of Tennis hath payd Morraley for her.

One horse and a mare from Scotland.

John Graham, John Park, and Elizabeth Park, went to Little France, David Simm's house, horse-coper, opened the stable doore, and took out one grey horse, well paced, full aged, pretty high, also one white mare, full aged. Emhatched and they went with the same to Morraley's, and sold him the

grey horse, and the mare was sold or left with William Lamb at Parkhead, in Bewcastle parish, in Northumberland (Cumberland.)

William Armstrong, John Graham, and Elizabeth Park, went in June and July 1701, to John Liddle's stable, took a stone-grey horse, long-tailed, (but now cutt-tailed) white-faced, pinch-mouthed, ring-keeped; and William Armstrong sold the horse to a neighbour of his own in Northumberland. A stone grey horse from Scotland.

John Weire's confession, taken by Henry Maxwell, notary-public in Edinbrough, taken the 25th July 1701. Witnesses, Captain Alexander Weddell, and Thomas Wood, writer in Edinbrough. Attested by William Riddell, notary-public, before witnesses, Geo. Christy, servant to Robert Cossen, burgess of Edinbrough, and Nicholas Gibson, smith, burgess of Edinbrough.

EDINBURGH:
Printed by James Ballantyne and Co.

GENERAL INDEX

OF

NAMES AND SUBJECTS.

**** The respective portions of this work, consisting of an Introduction to Border History, Border Antiquities, and Appendix, each having a separate pagination, have rendered it necessary to distinguish the references in the following manner: The references to the Introduction, or first portion, are printed in numerals; those to the Border Antiquities, or second portion, are in arabic figures; those to the Appendix, or third portion, are in numerals, with the letter A. annexed to each reference.*

THE END.

T. DAVISON, Lombard-street,
Whitefriars, London.